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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50169-2022
Date of Decision: 31.10.2022

Surjit Masih

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gursewak Singh, Advocate for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 read with Section 482 of the Code of Criminal Procedure for the grant of interim bail to the petitioner in FIR No. 0147 dated 19.08.2019, under Sections 21/25/29/27-A/32/35 of NDPS Act, Sections 420, 467, 468, 471, 482 IPC and Section 25 of Arms Act, registered at Police Station Ajnala, District Amritsar Rural.

Learned counsel for the petitioner has submitted that the brother of the wife of the petitioner is getting married on 07.11.2022 and, therefore, he may be granted interim bail,

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has stated that he has received an advance copy of the present petition and he has also sought instructions in this regard. He

submitted that the petitioner had earlier filed a petition for grant of regular bail vide CRM-M-13744-2020 and the said petition was withdrawn by him on 10.10.2022 and now after few days, he has filed the present petition for grant of interim bail and has vehemently opposed the same. He submitted that it is a case where the petitioner is involved in the confiscation of heroin which falls in the category of commercial quantity. He further submitted that there are total three accused and so far as the present petitioner is concerned, there was a recovery of 302 grams of heroin, Rs. 23,00,000/- drug money from the car in which the petitioner and the co-accused were travelling and also .32 bore pistol, 55 live cartridges and 6 cartridges of 315 bore were recovered from the petitioner. He further submitted that the petitioner is also involved in two more FIRs bearing No. 21 dated 20.02.2016, under Section 21 of NDPS Act, Police Station Ajmala and FIR No. 202 dated 14.02.2020, under Section 411, 467, 414, 468, 420, 473, 465 IPC and Section 25/54/59 of Arms Act and there is likelihood that in case the petitioner is released on interim bail, then he may not only abscond and may also repeat the offence. He further submitted that even for considering the grant of interim bail, the bar contained under Section 37 of the NDPS Act will be applicable.

I have heard the learned counsel for the parties.

It is a case where the petitioner had earlier filed a petition for grant of regular bail in CRM-M-13744-2022 which was dismissed as withdrawn by him on 10.10.2022. Now after a few days, he has filed the present petition for grant of interim bail on the ground that the brother of

his wife is getting married on 07.11.2022. There has been a recovery of heroin from the petitioner and the other co-accused which falls in the category of commercial quantity. As per the learned Senior Deputy Advocate General, Punjab, not only heroin but even drug money, .32 bore pistol, 55 live cartridges and 6 cartridges of 315 bore were also recovered from the petitioner. The apprehension expressed by the learned State counsel that in case the interim bail is granted to the petitioner, then he may not only repeat the offence but he may also abscond from justice cannot be ignored and does carry weight.

Therefore, considering the totality and circumstances of the present case, I do not deem it fit and proper to grant interim bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

31.10.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No