

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

239

CRM-M-51018-2022 (O&M)

Date of decision: 09.11.2022

HARPAL SINGH @ BHALA

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinay Kumar, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.95 dated 09.08.2022, registered at Police Station Ghuman, District Batala, under Section 307 IPC; Section 353, 186 and 333 IPC (added later on) and Sections 21 and 29 of the NDPS Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he, while sitting in a car, which was being driven by co-accused, namely, Manpreet Singh, had thrown the polythene bag containing 10 gram Heroin, which is a non-commercial quantity; that Manpreet Singh has already been granted the concession of anticipatory bail on 09.09.2022 and that the petitioner has been in custody since 13.08.2022.

On the other hand, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, submits that the petitioner is a

habitual offender with criminal antecedents, inasmuch as, 02 more FIRs i.e. FIR No.82 dated 14.07.2018 under Section 21 of the NDPS Act and FIR No.29 dated 01.04.2020 under Section 22 of the NDPS Act, are registered and/or pending against him.

I have heard the learned counsel for the parties.

The allegations against the petitioner are specific, direct and serious in nature. Merely because the recovery effected from the petitioner in the present case is non-commercial quantity, does not entitle him to the grant of regular bail. Moreover, pendency of 02 more FIRs of similar nature, speaks volumes about the conduct of the petitioner, who is a habitual offender. Therefore, possibility of the petitioner, indulging himself in similar crime, if enlarged on bail, cannot be ruled out.

In view of the above, no ground is made out to grant the concession of regular bail to the petitioner.

Dismissed.

09.11.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No