

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-8556-2023 (O&M)
Date of decision: 07.07.2023

Sourav Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aruz Khan, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-27044-2023

Prayer in the present application is for preponement of the main case, which is fixed for 28.08.2023.

Notice of the application.

On the asking of this Court, Mr. C.L. Pawar, Addl. AG Punjab, accepts notice on behalf of the respondent-State and submits that he has no objection, if the application is allowed.

In view of the above, the application is allowed and the main case is preponed from 28.08.2023 to that of today and the same is taken on the Board for hearing.

Main case:

The petitioner has filed this 3rd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 41 dated 08.03.2022, registered under Section 21(b) of the NDPS Act, 1985, at Police Station City Malout, District Sri Muktsar Sahib. Earlier two petitions were dismissed as withdrawn on 30.05.2022 and 14.10.2022.

Status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that in the FIR itself mentioned that a whitish material was found from the petitioner while in the FSL report, the recovered content is of light brown colour, which shows that it is a planted case; that the petitioner has been in custody since 08.03.2022 and that out of 16 prosecution witnesses, none has been examined so far.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the recovery of 10 grams of *Heroin* has been effected from the petitioner. The petitioner is a habitual offender and is involved in two other cases under the NDPS Act. The material witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner. Thus, it is stated that the totality of the circumstances, does not warrant the grant of concession of bail to the petitioner.

I have heard the learned counsel for the parties.

As stated by learned State counsel, the petitioner is a habitual offender and is involved in two other cases under the NDPS Act and the material witnesses are yet to be examined.

Considering the same, at this stage, no justifiable ground is made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

(HARNARESH SINGH GILL)
JUDGE

07.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No