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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15293-2023 (O&M)
Date of Decision: 18.07.2023

Joginder @ Chintu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Tanu Priya Singh, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.291 dated 14.12.2021, under Sections 21(b), 27-A of NDPS Act (Section 27-A added later on), registered at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 1 year and 5 months and no prosecution witness has been examined till date. She submitted that as per the allegations the police had apprehended one co-accused, namely, Jatin from whom there was a recovery of 10 grams of Heroin and from his disclosure statement, the name of the petitioner was nominated and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana

while referring to the affidavit filed by the State submitted that although in the present case there was a recovery from the co-accused, namely, Jatin and the aforesaid co-accused has also been extended the benefit of regular bail by the learned Sessions Court but the present petitioner does not deserve the concession of regular bail. He submitted that the reason for the same was that the present petitioner is a habitual offender and he is involved in as many as 28 other cases including many of them under the NDPS Act regarding which details have been given in para No.11 of the affidavit which would show that in some of the cases, he has been convicted and in some of the cases, he has been acquitted and other are still pending. He submitted that when the other co-accused Jatin was arrested, he had suffered a statement that he received 100 grams of Heroin from the present petitioner for the purpose of selling and for earning money out of which he had already sold 90 grams to different people and 10 grams was left which was recovered by the police. He submitted that the petitioner being the source of supplying Heroin to large number of people for further re-selling does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. It is a case where although the name of the petitioner was nominated on the basis of disclosure statement of the co-accused but considering the facts and circumstances of the present case whereby the petitioner was involved in 28 more cases including some of the cases under the NDPS Act, the mere fact that there was no recovery in the present case from the petitioner does not entitle the petitioner for grant of regular bail. This Court is of the view that considering the magnitude and gravity of the offence and the allegations against the petitioner that he supplies Heroin to large

number of people for further re-selling, the petitioner does not deserve the concession of regular bail.

6. Consequently, the present petition is dismissed.
7. 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.

18.07.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

:

:

Yes/No

Yes/No