

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18487-2022
DECIDED ON: 09.01.2023

RISHPAL SINGH@DAMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.255, dated 24.11.2021, under Sections 21/25/29/61/85 of the NDPS Act, 1985, registered at Police Station Samrana (Khanna), District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was falsely implicated in the present case, merely on the basis of secret information and it is a chance recovery, wherein Section 50 of the NDPS Act, has not been complied with. He also contends that though the challan stood filed on 18.05.2022, but he could not have any occasion to peruse the same with regard to the final report submitted in this behalf.

On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind bars for the last 01 year, 01 month & 10 days and the petitioner is involved in four more cases i.e. FIR No.207,

dated 14.08.2015, under Section 21-61-85 of the NDPS Act, registered at Police Station Patran, wherein he was acquitted by the trial Court, FIR No.28, dated 31.01.2018, under Section 21 of the NDPS Act, registered at Police Station Guhla, FIR No.50, dated 01.01.2021, under Section 21-61-85 of the NDPS Act, registered at Police Station Khanauri and FIR No.146, dated 01.01.2020, under Sections 21-B, 29 of the NDPS Act, registered at Police Station Guhla.

Be that as it may, looking into the totality of facts and the recovery of contraband i.e. 290 gms., of smack from the petitioner, which is commercial in nature and the fact that the petitioner is a habitual offender and might have got acquittal in one FIR, but still three more FIRs are pending against him and this is the forth case against him.

However, without commenting on the merits of the case, but keeping in view the fact that the recovered contraband is commercial in nature and the petitioner has undergone actual sentence of 01 year, 01 month and 10 days, out of total custody period, wherein the trial is proceeding and release of petitioner may hamper the trial, the present petition is, therefore, dismissed.

(SANDEEP MOUDGIL)
JUDGE

09.01.2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>