

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34513-2022
Decided on : 16.08.2023

Diljaan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.274 dated 25.11.2015 under Section 21 and 22 NDPS Act registered at Police Station Division Cantonment District Amritsar.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case having been planted upon the petitioner is evident from the fact that co-accused, who was pillion riding behind him along with the recovered contraband i.e. 260 grams of intoxicant powder (Alprazolam) had since been acquitted by the trial court. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose and he be extended the concession of bail.

3. Per contra, learned State counsel has vehemently opposed the submissions and prayer made by the counsel opposite by urging that the petitioner is a man of criminal antecedents as is evident from a perusal of para 10 of the affidavit of Assistant Commissioner of Police, West, Amritsar City wherein it stands reflected that he is involved in as many as 12 criminal cases. It has further been submitted that the petitioner was apprehended along with 260 grams of Alprazolam, which is classified as commercial quantity in the Act, and further, during trial the petitioner absconded, as a result of which, he was declared a proclaimed offender on 19.01.2019. Thereafter, it was only on 18.05.2021, he could be arrested and he is now facing trial in the FIR in question. Learned State counsel has vehemently prayed for dismissal of the instant petition by urging that there is every likelihood that the petitioner could yet again abscond and be again involved in some crime as he is a habitual offender.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. A recovery of 260 grams of Alprazolam (commercial quantity) was effected from the petitioner and the co-accused while they were riding on a motorcycle. It is a matter of record that the petitioner is involved in the following 12 criminal cases:

- (i) FIR No.413/2015, U/S 379-B, 34 IPC, PS Civil Lines, Amritsar
- (ii) FIR No.273/2015, U/S 307, 379-B, 353, 186, 34 IPC, PS Civil Lines, Amritsar

- (iii) FIR No.60/2018, U/S 307, 452, 120-B IPC, 25, 27 Arms Act, PS Sadar, Amritsar
- (iv) FIR No.197/2018, U/S 307, 323, 148, 149 IPC, 25, 27 Arms Act, PS City Patti, Tarn Taran
- (v) FIR No.198/2020, U/S 188, 148, 149 IPC, 25, 27 Arms Act, PS City Patti, Tarn Taran
- (vi) FIR No.232/2021, U/S 307, 323, 34 IPC, 25 Arms Act, PS City Patti, Tarn Taran
- (vii) FIR No.97/2021, U/S 386/34 IPC, 25, 25 (7) Arms Act, PS City, Faridkot
- (viii) FIR No.14/2021, U/S 120, 120-B IPC, 25 Arms Act, 21, 25, 27-A, 29 NDPS Act PS SSOC, Amritsar
- (ix) FIR No.18/2021, U/S 13, 16, 17, 18, 18-B, 20 Unlawful Activities (Prevention Act), 25 Arms Act, 3, 4, 5 Explosive Act, 21, 25, 27-A, 29 NDPS Act, 120, 120-B IPC, PS SSOC, Amritsar
- (x) FIR No.17/2022, U/S 302, 120-B, 148, 149 IPC, 25, 27 Arms Act, PS City Zira, Ferozepur
- (xi) FIR No.28/2022, U/S 379-B IPC, 25 Arms Act, PS Samalsar, Moga
- (xii) FIR No.64/2022, U/S 25 Arms Act, PS Samalsar, Moga

The trial is at the stage of prosecution evidence and hence, this Court concurs with the submissions made by the State counsel that there is every likelihood that the petitioner could yet again abscond or be involved in some other criminal case. Hence, in the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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