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

CRM-M-33838-2023 (O&M)

Date of decision : 12.12.2023

Sukhwinder Singh @ Kaka

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikrant, Advocate,
for Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Angrej Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.17 dated 23.02.2019, under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Ramdass, District Amritsar (Rural).

2. Allegations are that 30 intoxicating tablets containing Tramadol Hydrochloride were recovered from the petitioner.

3. Contends that petitioner was granted the concession of bail pending trial by the learned trial Court vide order dated 25.03.2019; however, due to ill health, he could not appear on 06.09.2019.

Resultantly, bail order of the petitioner was cancelled. Feeling

aggrieved, petitioner approached this Court by filing CRM-M-50876-2019, and which was accepted vide order dated 29.11.2019; order of the learned trial Court was set aside and he was admitted to bail. Again on 19.10.2021, due to noting of wrong date of hearing, petitioner could not appear before learned trial Court and was declared as a 'proclaimed person' vide order dated 29.11.2022. Also contended that petitioner is a young man of 25 years and he undertakes to regularly appear before the learned trial Court, but he be protected.

4. *Per contra*, learned State counsel, on instructions, opposed the prayer of petitioner on the ground that petitioner is facing 06 other criminal cases under the NDPS Act.

5. Heard both sides and perused the paper-book.

6. Concededly, petitioner was granted the concession of bail pending trial twice, but he jumped bail on both occasions and now, petitioner has been declared as a 'proclaimed person'. It also transpires that petitioner is involved in 06 other criminal cases under the NDPS Act and which shows that he is a habitual offender, having no respect for the rule of law; thus, does not deserve the concession of bail pending trial, at this stage.

7. In such a scenario, this Court is not inclined to accept the prayer of petitioner and as a result thereof, there is no option except to dismiss the petition.

8. Ordered accordingly.

9. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
10. Pending application(s), if any, shall also stand disposed off.

12.12.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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