

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36768-2023

Date of decision: 03.08.2023

Gursharan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This is the fourth petition filed by the petitioner seeking grant of regular bail in FIR No.159 dated 04.06.2021 lodged for offence under Section 18-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Fatehabad, District Fatehabad (Annexure P-1).

2. Case of the prosecution is that Gursharan Singh, present petitioner, was intercepted on suspicion. Upon search, he was found to be carrying a plastic envelope containing 800 gram opium.

3. Counsel for the petitioner has argued that petitioner has been falsely implicated and the recovery allegedly effected from him falls within intermediate quantity. He submits that at the time of the alleged search and seizure, mandatory provisions of the NDPS Act have not been complied with. It is his argument that no independent witness was associated at the time when the recovery was allegedly effected from the petitioner despite the fact that the petitioner was searched in a public street. He submits that as the challan has been presented and the trial is underway, the petitioner is no longer required

for custodial interrogation and deserves to be released on bail.

4. Per contra, learned State counsel upon instructions has opposed the petition by highlighting the criminal past of the petitioner. He has filed custody certificate dated 02.08.2023 and has pointed out that he has been indulging in the purchase and sale of prohibited substance.

5. I have heard counsel for the parties and considered their respective submissions.

6. A perusal of the custody certificate filed by the State shows that the petitioner has been convicted in as many as 5 cases under the NDPS Act and is facing trial in 7 cases under the NDPS Act. From his antecedents, it is apparent that the petitioner is a drug peddler and has been indulging in the nefarious activity for the last more than 2 decades. Release of such a person on bail would encourage him to go back to the same trade. Furthermore, petitioner has not been able to show any change of circumstance after the dismissal of his previous petition by this Court by a detailed order passed on 11.04.2023.

7. Finding no merit in the petition, it is hereby dismissed.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

03.08.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

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