

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

217

CRM-M-57636-2022

Date of Decision: 04.01.2023

Jagsir @ Ghuaghru

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. RVS Chugh, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through instant fifth petition under Section 439 Cr.P.C., petitioner seeks grant of regular bail in case FIR No. 406 dated 15.07.2016 registered under Sections 15 and 27A of the NDPS Act and Sections 147, 149, 332, 353, 186, 224 and 225 IPC at Police Station Sadar Ratia, District Fatehabad.

The brief facts of the case are that on 15.07.2016, during the course of Nakabandi, the petitioner came on a car from the side of Ratia, who on seeing the police party turned the car towards the village and police personnel chased him. When the Police party reached near the house of the petitioner, he was found entering his house after unloading the bags from the car. On hearing the call of Police party, he tried to run away. When the Police party tried to overpower him, his wife Nisha and several other co-accused gathered at the spot and attacked upon them and helped Jagsir Singh in running away. On checking room, 12 bags containing Poppy Husk were recovered, out of which 6 bags were

containing 20 Kgs. each, seventh bag was containing 10 Kgs., four bags were containing 13 Kgs. and one another bag was containing 8 Kgs. Poppy Husk. After separating two samples of 100 Grams each from each bag, the sample parcels and bags were taken into possession.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on the basis of alleged disclosure statement of co-accused, which has no evidentiary value. Mother of the petitioner is suffering from serious ailments and has been advised to get her treatment from PGI Chandigarh or any higher hospital by the doctor at Bathinda. Treatment record of the mother of the petitioner dated 07.02.2022 and 26.02.2022 is annexed as Annexure P-5. There is no male member in the family to look after his mother except the petitioner. Petitioner is in custody since 19.11.2018. Conclusion of petitioner's trial may take a sufficient long time. Therefore, no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel vehemently opposed the grant of bail to the petitioner that he is a habitual offender. Petitioner has not produced medical record from any Government hospital, which can show that his mother is suffering from any ailment. He further argued that this is the fifth bail application and earlier bail applications filed on behalf of the petitioner have already been dismissed by this Court.

I have heard learned counsel for the parties and gone through the record.

According to the prosecution, 190 kgs of poppy husk was

recovered from the room of the petitioner, who is allegedly actively involved in the work of transportation of narcotics. The alleged recovery of contraband falls under the category of “commercial quantity”. Perusal of medical record (Annexure P-5) produced by the petitioner does not show that his mother is suffering from any serious ailment.

Moreover, this is the fifth petition for grant of regular bail to the petitioner. Successive bail applications cannot be considered for bail until and unless there is change of circumstance or sufficient reason to grant bail to the accused. Learned counsel for the petitioner has failed to show any just reason to reconsider the question of bail to the petitioner.

In view of the above, I find that the petitioner is not entitled to be released on bail. The petition is liable to be dismissed.

January 04, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No