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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58529-2022

Date of decision : 11.04.2023

Gursharan Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Adarsh Dubey, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.159 dated 04.06.2021 under Section 18-B Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad, who is in custody since his arrest on 04.06.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Fatehabad in the order dated 03.11.2022 are as under:-

“Brief facts of the case for disposal of the present bail application, as per police reply, on 04.06.2021, SI Mahabir Singh alongwith fellow police officials reached village Hanspur from Fatehabad-Hijrawan Kalan for checking of narcotic drugs. Then, EHC Naresh Kumar met with SI Mahabir Singh in front of Police Post, Hanspur and thereafter, the police party was going from Hanspura towards village Lohgarh road of Punjab border. The petitioner-accused Gursharan Singh was seen coming from the opposite side carrying a cloth bag

in his right hand. On suspicion, the petitioner-accused was apprehended and after serving notice under Section 50 of NDPS Act upon him, his search was conducted in the presence of Sh. Lekh Raj AFSO, Fatehabad and from the cloth bag carried by the petitioner-accused, one plastic envelope containing 800 grams of opium was recovered which was converted into a separate parcel and sealed with seal having inscription 'MS' by the investigating officer. Sh. Lekh Raj AFSO, Fatehabad also affixed his seal 'SK' on the parcel and same was taken into police possession vide a separate seizure memo. The case FIR was registered."

Learned counsel for the petitioner has argued that alleged contraband (800 grams opium) recovered from the petitioner is non-commercial in nature. According to him, trial will take time to conclude as after framing of charges on 16.05.2022, only three prosecution witnesses have been examined so far out of total fifteen witnesses. He prays for bail.

While opposing the prayer, learned State counsel who is assisted by SI Gopal Dass submits that petitioner was arrested on the spot, therefore, the he does not deserve the concession of regular bail. He has produced the custody certificate filed by way of affidavit of Vikram Singh, Deputy Superintendent Central Jail, Hisar to contend that petitioner is involved in seventeen more cases of similar nature. He prays for dismissal of the petition.

After hearing learned counsel for the parties and considering the above background, this Court finds that the petitioner is embroiled in number of other cases of similar nature, and also stands convicted in some of the cases, thus, considering the nature and gravity of the offence, this Court

does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

11.04.2023
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(MANOJ BAJAJ)
JUDGE

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