

CRM-9824-2024
in CRM-M-9083-2024 (O & M)

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(112) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-9824-2024 in
CRM-M-9083-2024 (O & M)
Date of Decision: 07.03.2024

Baljinder Singh @ Lali

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Saksham Dudeja, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

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This is an application seeking restoration of the main case which was ordered to be dismissed for non-prosecution by this Court vide order dated 26.02.2024

For the reasons mentioned in the application, same is allowed.
The main petition is ordered to be restored to its original position and number.

On the request of the learned counsel for the petitioner, the main case is taken up for hearing today itself.

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The prayer in this second petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.178 dated 15.08.2022 under Section 21 of the NDPS Act, 1985 registered at Police Station Special Task Force, District STF Wing.

2. The brief facts of the case are that the petitioner-Baljinder Singh @ Lali came to be apprehended with 340 grams of heroin.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of the mandatory provisions of the Act including Sections 42 and 50 of the NDPS Act. As the petitioner was in custody since 15.08.2022 and the Trial had not made sufficient progress, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that commercial quantity of contraband came to be recovered from the petitioner. He was a convict in one other case under the NDPS Act arising out of FIR No. 52 dated 06.04.2013 under Sections 22/25/61/85 of the NDPS Act, Police Station Model Town. In view of the criminal antecedents of the petitioner, he was not entitled to the concession of bail on account of the restriction on same imposed by Section 37 of the NDPS Act. He, therefore, contends that the petition was liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. As per the prosecution case, the petitioner was arrested and the recovery of 340 grams of heroin came to be effected from him which is much above the commercial quantity. Further, he is a convict in one other case

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under the NDPS Act. In view of the bar contained under Section 37 of the NDPS Act, the petitioner cannot be granted the concession of regular bail.

7. In view of the above, I find no merit in the present petition. The same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 07, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No