

2024:PHHC:028773

217IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9663-2024 (O&M)
Date of Decision: 29.02.2024

SHAMSHER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harpreet Sharma, Advocate for
Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This is the third petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case bearing FIR No. 198 dated 23.09.2022 registered under Section 22 of NDPS act 1985 at Police Station Sadar Dhuri, District Sangrur.
2. Learned counsel appearing for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and he is not the owner of the alleged truck from which the allege recovery has been effected.
3. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground that heavy quantity of contraband has been recovered from the conscious possession of the petitioner and as such he does not deserve the concession of regular bail.
4. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that second petition seeking regular bail to the petitioner was dismissed by this Court on 15.11.2023 and the said order is reproduced hereinbelow:

“This is second bail application filed on behalf of the petitioner. Earlier petition was dismissed as withdrawn on 31.07.2023 and the following order was passed:-

"After arguing for some time, when the Court was not inclined to grant any relief to the petitioner as prayed for, learned counsel for the petitioner submits that he may be permitted to withdraw the petition, at this stage.

Dismissed as withdrawn, at this stage."

Faced with this situation, learned counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn."

5. Perusal of the aforesaid order reveals that only 03 months have passed since the dismissal of the previous application seeking grant of regular bail to the petitioner and since then no change of circumstances has taken place.

6. In view of the above, the present petition, which is devoid of any merit, is hereby dismissed.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

29.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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