

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-16391-2023

Date of decision: 03.05.2024

Balwinder Singh @ Bhunda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Singla, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (fourth) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.154 dated 21.12.2020 under Sections 186, 332, 353, 148 and 149 of the IPC and Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Subhanpur, District Kapurthala.

2. Learned State counsel has placed on record custody certificate of the petitioner. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel, on instructions from ASI Sukhwinder Kumar, has informed the Court that the trial has indeed not been able to proceed beyond the presentation of challan but it is precisely for the reason that the petitioner is a man of criminal antecedents as it is a matter of record that he is involved in 06 other

criminal cases including cases under the NDPS Act and Excise Act for which he has to be taken on production warrants to different Courts on different dates. It has been further submitted by learned State counsel that the FIR in question was registered on secret information on 21.12.2020 when the petitioner was already on bail in two other cases which stood registered against him under the NDPS Act. Hence, it is evident that the petitioner had misused the said concession of bail as he had been again involved in criminal cases. Learned State counsel has submitted that seeing his criminal antecedents, there is no manner of doubt that the petitioner is a habitual offender and in case he is enlarged on bail, yet again he could again involve himself in some crime.

4. Learned counsel for the petitioner has not been able to dispute the submissions made by learned State counsel qua the petitioner having prima facie misused the concession of bail granted to him in the previously instituted criminal cases against him.

5. In the facts and circumstances, especially the fact that it was pursuant to a secret information that the petitioner was nabbed and the alleged recoveries of 280 grams of Alprazolam and 26 grams of heroin effected from him, this Court does not deem it fit to extend the concession of bail to him; this Court shares the concerns raised by the State regarding the possibility of the petitioner being involved in future also in some cases under the NDPS Act. This observation of the Court is particularly noteworthy given the escalating issue of drug trafficking in this part of the country.

6. Accordingly, the instant petition is hereby dismissed.

7. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.05.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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