



CRM-M-19515-2024

-1-

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-19515-2024
Decided on : 29.07.2024

Binder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Arshpreet Khadial, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.77 dated 20.12.2023 under Section 15 of NDPS Act, 1985 registered at Police Station GRP Bathinda District Bathinda.

2. Learned counsel for the petitioner, at the outset, has submitted that identically placed co-accused Soni Devi has been extended the concession of bail by the trial Court vide order dated 01.02.2024 and hence, the petitioner also deserves to be given the concession of bail on the ground of parity. It has further been submitted by the learned counsel for the petitioner that the petitioner was allegedly intercepted on suspicion and thereafter a recovery of 9 kgs of poppy husk (non-commercial) was planted upon him.



Learned counsel has further submitted that investigation in the present case is complete as challan stands presented, and therefore, further incarceration of the petitioner would serve no useful purpose; trial would take considerable time to conclude.

3. Learned counsel for the petitioner has placed reliance on the judgment of Hon'ble the Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) SCC (Cri.) 681*** wherein an objection raised was by the prosecution that since the accused was habitual criminal and facing trial in a number of cases, it could not be a ground to decline him the concession of bail.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner has placed on record the custody certificate of the petitioner in Court today. Learned State counsel has submitted that no doubt, recovery affected from the petitioner is just 9 kgs of poppy husk, however, from the perusal of the custody certificate it is evident that the petitioner, who is involved in 03 more cases under the NDPS Act, was on bail in those cases and it was during that period that he was involved in the present case; hence, it is a clear case of misuse of concession of bail granted to him. It has further been submitted by the State counsel that there is a likelihood that in case he is granted the concession of bail, he would abscond or also be yet again involved in similar offences and hence, the instant petition be dismissed.



CRM-M-19515-2024

-3-

5. I have heard learned counsel for the parties and perused the material placed on record.
6. The petitioner does come across as a habitual offender and has repeatedly misused the concession of bail granted to him in other cases registered against him under the NDPS Act. The petitioner has been in custody since 20.12.2023. Charges have already been framed and only 10 prosecution witnesses remain to be examined. Therefore, the trial would not take much time to conclude.
7. In the facts and circumstances as enumerated hereinabove coupled with the fact that since the petitioner has *prima facie* been repeatedly committing offences under the NDPS Act, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.
8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.07.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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