



CRM-M-51468-2024

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

CRM-M-51468-2024
Date of Decision: 29.10.2024

SONA SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. GBS Dhillon, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 5th petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.23 dated 24.04.2022 registered under Sections 21 and 29 of NDPS Act at Police Station Amir Khas, District Fazilka.

2. The present FIR came to be registered at the instance of ASI Mohinder Singh on the allegations that on 24.04.2022, he along with other police officials was present in the area of Bus Stop Mamu Johian where he received secret information that petitioner-Sona Singh @ Sonu, Sumit Kumar (granted bail vide order dated 03.11.2023 passed in CRM-53546-2023) and Chiman Singh @ Babbu (granted bail vide order dated 06.03.2024 passed in CRM-M-59932-2023) were habitual offenders of smuggling heroin from Jammu and Kashmir and thereafter would sell the same in the area. On that day, they were coming on a Swift Dzire car bearing Registration No.HR-51-

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AS-7127 from the side of Srinagar. If a naka was laid, they could be arrested. Based on the information, a Naka was set up and the recovery of 260 grams of heroin came to be effected from the accused.

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 NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version was inherently unbelievable. The co-accused had been granted bail. As the petitioner was in custody since 24.04.2022 and only 07 of the 19 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel on instructions contends that the petitioner was a habitual offender. He was an accused in 07 other cases arising out of FIR No.10 dated 11.04.2014 U/s 399/402/25/54/59 Arms Act, P.S. City Fazilka, FIR No.148 dated 14.11.2018, U/s 21/61/85 NDPS Act, P.S. Sadar Jalalabad, FIR No.03 dated 04.01.2020, U/s 21/61/85 NDPS Act, P.S. City-2 Abohar, FIR No.42 dated 16.03.2020 U/s 22/29/61/85 NDPS Act and Sections 387/420/120-B IPC, P.S. City Jalalabad, FIR No.38 dated 16.06.2021 U/s 21/29/61/85 NDPS Act, P.S. Amir Khas, FIR No.48/2020, U/s 21/29/61/85 NDPS Act, P.S. City Jalalabad and FIR No.71/2019, U/s 21/61/85 NDPS Act, P.S. City Jalalabad. Further, the instant petition was the 5th bail application of the petitioner, the last one having been



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withdrawn as recently as on 08.05.2024. Therefore, keeping in view the antecedents of the petitioner, he was not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act.

5. I have heard the learned counsel for the parties.
6. This is the 5th bail application on behalf of the petitioner. The details of his earlier bail applications are as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-55461-2022	Dismissed as withdrawn on 06.12.2022
2.	CRM-M-26292-2023	Dismissed as withdrawn on 21.08.2023
3.	CRM-M-3487-2024	Dismissed as withdrawn on 30.01.2024
4.	CRM-M-20790-2024	Dismissed as withdrawn on 08.05.2024

7. The details of FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.10 dated 11.04.2014	399/402/25/54/59 Arms Act	P.S. City Fazilka
2.	FIR No.148 dated 14.11.2018.	21/61/85 NDPS Act	P.S. Sadar Jalalabad
3.	FIR No.03 dated 04.01.2020	21/61/85 NDPS Act	P.S. City-2 Abohar
4.	FIR No.42 dated 16.03.2020	22/29/61/85 NDPS Act and Sections 387/420/120-B IPC	P.S. City Jalalabad
5.	FIR No.38 dated 16.06.2021	21/29/61/85 NDPS Act	P.S. Amir Khas
6.	FIR No.48/2020	21/29/61/85 NDPS Act	P.S. City Jalalabad



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7.	FIR No.71/2019	21/61/85 NDPS Act	P.S. City Jalalabad
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8. Apparently, the petitioner is a serial offender with 07 other cases registered against him under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 4th bail application of the petitioner came to be argued and withdrawn as recently as on 08.05.2024.

9. Further, the cases of the co-accused namely Sumit Kumar and Chiman Singh @ Babbu are different inasmuch as Sumit Kumar had no other pending case whereas Chiman Singh @ Babbu had one more pending case.

10. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.



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In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

11. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in the future cannot be recorded.

12. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

13. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

29.10.2024
JITESH

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