



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-55259-2024

Date of decision: 11.11.2024

GURMUKH SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.H.P.S. Rahi, Advocate for
Mr. Kuldeep V. Singh, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Petitioner in this second petition filed under Section 438 of the Cr.P.C. is seeking the concession of anticipatory bail in case FIR No.81 dated 14.06.2023 under Sections 15 and 29 of the NDPS Act, registered at Police Station Kotwali Nabha, District Patiala.

2. At the outset, a query was posed to the learned counsel as to what was the material change in the circumstances after the withdrawal of the previous petition on 06.02.2024 annexed as Annexure P-5 which stands reproduced herein-under:-

“After arguing for some time, when this Court was not inclined to grant anticipatory bail to the petitioner, a prayer was made by learned counsel for the petitioner for withdrawal of the instant petition.

Dismissed as withdrawn. ”

3. Learned counsel has submitted that identically placed co-accused has since been extended the concession of bail vide order dated 07.11.2023.

4. Notice of motion.



5. On the asking of the Court, Mr. Navdeep Singh, DAG, Punjab accepts notice on behalf of respondent-State.

Learned State counsel has, at the outset, vehemently opposed the prayer and submissions made by the counsel opposite qua the co-accused Lal Singh being identically placed. He, on instructions from ASI Rippan Kumar ASI, submits that the petitioner cannot claim parity with co-accused Lal Singh, who has since been extended the concession of anticipatory bail vide order dated 07.11.2023 by this Court. It has been submitted by the learned State counsel that the petitioner has repeatedly been committing offences under the NDPS Act as this is not the first time that he has been involved in a case under the NDPS Act; rather the petitioner is facing trial in three other cases under the NDPS Act which are as follows:

- “1.FIR No. 81 dated 14.06.2023 u/sections 15/61/85 of the NDPS Act, P.S. Kotwali Nabha, District Patiala”
2. FIR No.19 dated 16.04.2022 u/sections 15/29/61/85 NDPS Act, PS Malaud, District Khanna and
- 3.FIR No.103, dated 06.08.2023 u/sections 15/61/85 of the NDPS Act, PS Amargarh, District Maler Kotla.”

It has also been submitted that the petitioner is the supplier of the contraband which was recovered from the co-accused. Learned State counsel has submitted that co-accused, who had since been extended the concession of bail, was not involved in any criminal case much less under the NDPS Act. It has also been argued by the learned State counsel that the



petitioner was already on bail in the other cases registered against him under the NDPS Act, when he was yet again involved in the present FIR.

7. I have heard learned counsel for the parties and have perused the relevant material placed on record.

8. *Prima facie*, the petitioner comes across as a habitual offender as it is a matter of record that he is facing trial in three other cases under the NDPS Act. Therefore, the petitioner does not deserve the extraordinary concession of anticipatory bail.

9. Accordingly, the instant petition is hereby dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2024

poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No