



CRM-M-56087-2024

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

CRM-M-56087-2024
Date of Decision: 18.11.2024

AMRITPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dhariwal, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 6th petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.104 dated 25.12.2022 registered under Section 21(b) NDPS Act, 1985 and Sections 25, 27 Arms, 1959 at Police Station Bariwala, District Sri Muktsar Sahib, Punjab.

2. The brief facts of the case are that the house of petitioner- Amritpal Singh was raided and the recovery of 64 grams of heroin and 15 live cartridges and Rs.90,380/- stated to be proceeds of drug trafficking came to be recovered from the house.

4. 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. As the petitioner was in custody since 10.02.2023 but



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only 01 out of the 14 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.

5. On the other hand, the learned State counsel contends that the petitioner was a habitual offender. He was an accused in 01 other case arising out of FIR No.120/2020 U/s 399/402 IPC and Sections 21/25/29 NDPS Act, P.S. Bhadur, District Barnala, Punjab. The instant petition was the 6th bail application of the petitioner, the last one having been withdrawn as recently as on 21.08.2024 (Annexure P-8). 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.

6. I have heard the learned counsel for the parties.

7. This is the 06th 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	CRM-M-4748-2023	Dismissed as withdrawn on 31.01.2023
2.	CRM-M-25674-2023	Dismissed as withdrawn on 25.05.2023
3.	CRM-M-43741-2023	Dismissed as withdrawn on 11.09.2023
4.	CRM-M-57591-2023	Dismissed as withdrawn on 21.11.2023
5.	CRM-M-12781-2024	Dismissed as withdrawn on 18.03.2024
6.	CRM-M-38906-2024	Dismissed as withdrawn on 21.08.2024

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

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.120/2020	399/402 IPC and Sections 21/25/29	P.S. Bhadur, District Barnala, Punjab



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		NDPS Act	
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9. Apparently, the petitioner is a serial offender with 01 other case registered against him under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 5th bail application of the petitioner came to be argued and withdrawn as recently as on 21.08.2024 (Annexure P-8).

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.

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



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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

18.11.2024

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No