

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-38668 of 2015 (O&M)
Date of decision:19.12.2015**

Mukesh Kumar @ Bobby

....Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

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

Ms. Reeta Kohli, Additional A.G., Punjab with
Mr. Vaibhav Sharma, DAG, Punjab.

P.B. Bajanthri, J.

In the instant petition, petitioner seeks his enlargement on regular bail in case of FIR No.50 dated 03.04.2013 under Section 18/21/22/61/85 of NDPS Act and under Section 306 of IPC registered at Police Station Urban Estate Patiala, District Patiala.

2. Gist of the allegations in FIR is that the police party was on patrolling duty near Railway Station on DCW Road. Upon secret information received by them that Palwinder Singh @ Pinka, Tavinder Singh @ Tanhi, Rajinder Singh @ Mintu, Runny Deol s/o Sukhpal Singh, Jagdish Singh @ Bhola, Satinder Singh have constituted the irrespective gangs for the supply of heroine, smack, opium and other narcotic substances in Patiala, Chandigarh and other districts amongst the students of colleges and universities and other institutions. These members of the gang also

supply illegal weapons. The members of the gangs use luxury cars and avail services of ladies in their business. Some of those gang members who are absconding oftenly stay in various hotels at Patiala or other places.

3. The petitioner was arrested on 11.11.2013. He sought his release on bail before the Additional Sessions Judge, Patiala but the same was declined on 23.06.2014.

4. The petitioner now seeks his release on bail on the grounds, inter alia, that he has not been named in the FIR. He has been implicated on the basis of disclosure statement of co-accused. He is in custody since last 2 years and the case is still at the stage of framing of charges and the trial will take long time and co-accused have been released on bail by this Court (Annexures P2 to P6).

5. Per contra, learned State counsel opposed the petitioner's prayer on the ground that he was involved in the sale of intoxicants material in and around the University Campus. The petitioner and one Dilbagh Singh were found in possession of 7200 intoxicants capsules and a sum of Rs.74 Lacs has also been taken into police custody which was allegedly earned by selling intoxicants. Police could not complete the investigation within a period of 180 days. However, on 179th day, report under Section 36-A of NDPS Act was submitted by the learned Additional Public Prosecutor along with request of Investigating officer to extend further time of 30 days to complete the investigation as report from the office of CFSL had not been received. It was further contended that recovery made from the petitioner was of 'commercial quantity'. Thereafter, the Special Court extended the time as sought by the Investigating Officer through Additional Public

Prosecutor.

6. Having heard learned counsel for the parties, we are not satisfied that the petitioner deserves the regular bail in the aforesaid case. Even though the name of the petitioner is not reflected in FIR and co-accused are enlarged on bail, but fact of the matter is that 'Commercial quantity' recovery has been made along with cash of Rs.74 Lacs. The petitioner is also found involved in the following cases:-

1. FIR No. 19 dated 15.06.2010 U/s 420/406 IPC, P.S. Samalsar.
2. FIR No. 51 dated 29.07.2008 u/s 379/411 IPC, PS Sohana,
3. FIR No. 57 dated 04.03.2014 u/s 18 NDPS, PS Tripuri Patiala.
4. FIR No.235 dated 05.11.2010, u/s 498-A/406 IPC, PS City Kotakpura
5. FIR No.260 dated 30.10.2015, u/s NDPS Act, PS City Samalsar

7. Keeping in view the above facts and circumstances, without expressing any views on merits of the case, we are satisfied that the rigors of Section 37(1)(b)(ii) are fully attracted in the instant case. The petitioner is not entitled to concession of bail.

8. Dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

19.12.2015
pooja saini