

Crl. Misc. No. M-4598 of 2018
Date of Decision: March 19, 2018

Gaganjit Singh @ Gaggi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sumeet Puri, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No. 23 dated 28.01.2014, registered at Police Station Salem Tabri, Ludhiana under Sections 15, 61, 85 of NDPS Act, 1985.

Learned counsel for the petitioner has contended that the recovery made from the house of one Jasbir Singh has been wrongly foisted upon the petitioner as the petitioner is neither known to Jasbir Singh nor does he have any connection with him. The petitioner has been in custody since 18.02.2014. The investigation in this case is complete and the trial is likely to take some time to conclude and, therefore, the petitioner deserves to be granted regular bail.

Learned State counsel has opposed the submissions of learned counsel for the petitioner on the ground that the petitioner has already been convicted in FIR No. 15 dated 28.01.2014 under Section 15 of the NDPS Act, 1985 and has been sentenced to undergo rigorous imprisonment for 15 years. Thus, it is submitted that the petitioner is habitual criminal and does not deserve the concession of bail. It has further been submitted that the quantity recovered is five quintal and forty Kgs of poppy husk which is a very heavy quantity and Section 37 of the NDPS Act bars the grant of bail to such persons.

On the last date of hearing, learned State counsel was directed to seek

instructions regarding the number of cases pending against the petitioner under the NDPS Act, 1985. Today, on instructions from ASI Kulwinder Singh, it is submitted that there is only one other case pending against the petitioner under the NDPS Act which is one in which he has been convicted to undergo rigorous imprisonment for 15 years.

A very heavy quantity of poppy husk has been recovered the premises being allegedly used by the petitioner and his co-accused. The fact that Jasbir Singh (owner of the house) is not known to the petitioner would have no effect on the merits of this case, as Jasbir Singh is one of the relative of co-accused namely Raghubir Singh and the petitioner need not have any contact with the owner of the house to be involved in the present case. That apart Section 37 of the NDPS Act, 1985 bars the grant of bail in cases involving commercial quantity of contraband. The petitioner appears to be totally involved in the trade of narcotics and I say so because of his conviction in another case under the NDPS Act, 1985. Keeping in view the above mentioned facts and circumstances, the petitioner does not deserve to be released on regular bail.

The petition is accordingly, dismissed.

At this stage, learned counsel for the petitioner has submitted that although the FIR is of the year 2014, trial has not commenced yet as even charge has not been framed till date and, therefore, he requests that the trial Court be directed to expedite the trial.

The request of counsel for the petitioner is genuine. The trial Court is directed to complete the trial within a period of six months from the date of receipt of certified copy of this order.

March 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No