

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.27829 of 2020
Date of Decision: October 07, 2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arjun Veer Sharma, Advocate,
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.113 dated 26.09.2018, under Section 21 NDPS Act, 1985 registered at Police Station, Shambhu, District Patiala. The petitioner is in judicial custody since his arrest on 26.09.2018.

As per the allegations in the FIR, on 26.09.2019, the petitioner was apprehended by the police while travelling in car bearing No.DL8CAU 8916 and from the bag lying near the passenger seat, 1 kg 500 grams heroin was recovered.

Learned counsel for the petitioner contends that the petitioner is a taxi driver and was driving the said vehicle when the alleged recovery of the contraband was effected. He has further contended that in fact the contraband was recovered from a foreign National, namely, OC Bonder

Sapura, who set off for his journey from New Delhi to Nabha Jail, who was later on let off by the police officials and the petitioner was indicted falsely. He has invited the attention of the Court to the duty slip (Annexure P-2). Learned counsel has further drawn the attention of the Court to the order dated 05.03.2019 passed by the Special Court, Patiala to contend that the call details of four persons were ordered to be preserved on the application filed by the petitioner. According to him, there is sufficient material to indicate that the case of the prosecution is doubtful, therefore, the petitioner deserves the concession of bail, during the pendency of the trial.

On the other hand, learned State counsel, has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. According to him, the vehicle in question was driven by the petitioner and, therefore, the recovery of the contraband clearly establishes his conscious possession. He submits that the ground for bail as raised by the petitioner is founded on disputed facts and would require evidence.

After hearing the learned counsel for the parties, this Court finds that by order dated 05.03.2019, the trial Court has preserved the information of the mobile numbers of various persons and none of them is a foreign National. Learned counsel for the petitioner does not dispute this fact. Even otherwise, at this stage, it will not be proper for this Court to accept the defence of the petitioner that he has been falsely implicated, particularly when the said plea is not supported by any material to show that the police was inimical to him. However, the petitioner may raise these issues before the trial Court at the stage of recording the evidence.

Considering the above background, nature and quantity of the

contraband, this Court does not find any convincing ground to extend the concession of regular bail to the petitioner at this stage.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

October 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No