

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-27931-2020
Date of decision-06.11.2020****Kuldeep Singh @ Tittu****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ****Present: Mr. Rakesh Sobti, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.***********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.57 dated 16.03.2019 under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 22, 29 and 31 NDPS Act added later on) registered at Police Station Division 6, District Ludhiana. Petitioner is in custody since his arrest on 16.03.2019.

As per the prosecution case, on 16.03.2019, when Police party was present near Partap Chowk, Ludhiana in connection with patrol duty, a secret information was received that Kuldeep Singh @ Tittu (petitioner) and Palwinder Singh, were allegedly involved in business of selling of heroin, and they would be coming on motorcycle. Acting upon the information, a nakabandi was done and accused persons were apprehended and upon search 230 grams heroin was recovered from the tool box of the motorcycle, which was driven by Palwinder Singh whereas 800 grams of heroin was recovered from the conscious possession of Kuldeep Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has invited the attention

of regular bail has been granted to the co-accused by learned trial Court. According to him, the trial is not progressing speedily, as out of total twenty prosecution witnesses only three have been examined so far, therefore, considering the custodial period of the petitioner, he be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Gurcharan Singh has opposed the prayer on the ground that the recovered contraband falls in the commercial quantity, therefore, he does not deserve the concession of regular bail. He has produced the custody certificate dated 06.11.2020, filed by way of an affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana which indicates that besides involvement in the present case, the petitioner is also involved in other cases of the similar nature, however, he is on bail in those cases.

After hearing learned counsel for the parties, considering the above background as well as nature and quantity of the contraband (commercial quantity), this Court does not find it to be a fit case to extend the concession of regular bail to the petitioner, at this stage.

Petition is dismissed.

06.11.2020

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No