

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-31393 of 2020

Date of Decision: October 13, 2020

Rajdev Singh @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amaninder Preet, Advocate,
for the petitioner.

Mr. Manpreet Singh Nagra, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.79 dated 12.06.2020, under Sections 21, 25 and 29 N.D.P.S.Act, 1985, registered at Police Station, Bhadaur, District Barnala. The petitioner is in custody since his arrest on 12.06.2020.

As per the prosecution, on 12.06.2020, ASI Sharif Khan received a secret information and while acting upon the same, accused Rajdev Singh @ Raja and his co-accused Balveer Singh, who were travelling together were apprehended and 295 grams of heroin along with an amount of Rs.9500/- was recovered from the vehicle, wherein they were travelling.

Learned counsel for the petitioner contends that the vehicle in question does not belong to the petitioner and he was only travelling with the co-accused, namely, Balveer Singh, who was driving the said vehicle.

He submits that it is debatable if the contraband recovered by the police was

in conscious possession of the petitioner. He further contends that the co-accused of the petitioner, namely, Gagan @ Motu has been extended the concession of interim pre-arrest bail vide order dated 29.06.2020. The petitioner also deserves the same concession. He prays that the petitioner be granted the concession of regular bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Amrik Singh, has opposed the prayer on the ground that the investigation of the case is still pending. He submits that the petitioner was present at the spot when the alleged recovery was effected and the case of the co-accused is distinguishable as the said accused was made an accused on the basis of the disclosure statement suffered by the accused arrested on the spot.

After hearing the learned counsel for the parties, this Court does not find it to be a fit case for grant of bail at this stage, as the investigation of the case is still pending. Apart from this, during the course of the hearing, it is also not disputed by the learned counsel for the petitioner that the petitioner has already been convicted in a similar case bearing FIR No.22 dated 19.04.2013, under Sections 21 and 22 N.D.P.S.Act, Police Station, Bhadaur, however, according to him, the sentence imposed upon petitioner in the said case stands suspended. Further, a perusal of the contents of Para 11 of the petition shows that the petitioner was involved in various other cases including the N.D.P.S.Act.

No case is made out for grant of bail.

Dismissed.

October 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No