

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

CRM-M-41648-2020(O&M)

Date of decision: 16.12.2020

Rahul Bhardwaj

.....Petitioner

Versus

Director of Revenue Intelligence

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vishal Deep Goyal, Advocate for the petitioner

Mr. Sunil Bindlish, Advocate for UOI

ANIL KSHETARPAL, J. (ORAL)

This is second petition for grant of bail pending trial to the petitioner in a criminal complaint no.31 dated 5.11.2014 (now bearing NDPS Act No.774 dated 5.11.2014) titled as 'Parminderjit Singh Gill vs. Intelligence Officer, Directorate of Revenue (Zonal Unit) 51-D, Sarabha Nagar, Ludhiana' under Section 2, 8, 9, 21, 22, 27-A, 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (charges framed under Section 22, 27-A, 29 of NDPS Act, 1985 vide order dated 16.5.2015).

The first petition for grant of bail filed by the petitioner was dismissed by this Court on 1.9.2020 by passing the following order:-

“The petitioner has filed the present petition under Section 439 Cr.P.C for grant of regular bail to the petitioner in complaint case no.31 dated 5.11.2014 (now bearing NDPS Act No.774 dated 5.11.2014) titled as 'Parminderjit Singh Gill vs. Intelligence Officer, Directorate of Revenue (Zonal Unit) 51-D, Sarabha Nagar, Ludhiana' under Section 2, 8, 9, 21, 22, 27-A, 29 of Narcotics Drugs and Psychotropic

Substances Act, 1985 (charges framed under Section 22, 27-A, 29 of NDPS Act, 1985 vide order dated 16.5.2015).

The brief facts of the case have been noticed by the learned Special Court, Ludhiana in para 5, which is extracted as under:-

“5. The present complaint has been registered against the applicant/accused. The allegations against the applicant/accused are that one card board box was recovered containing two packets out of which one pouch was Silver Colour Foil Pouch (8” to 12” approximately) containing White Colour Powder. The other packet was a Transparent Polythene Packet (8” to 12” approximately) also containing White Colour Powder, which was recovered from the possession of co-accused and was sent by the present applicant/accused to the coaccused. Both the packets were found to be containing White Colour Powder weighing 1.020 Kilograms and 1.012 Kilograms respectively. As per report of Chemical Examiner, Central Revenues Control Laboratory, New Delhi, it was opined that the samples sent to it for analysis were found to be of Ketamine Hydrochloride. The applicant/accused failed to produce any valid license or permit for possessing and sending the recovered contraband. Perusal of record reveals that the applicant has booked the consignment and that he is the main accused.”

On the one hand, learned counsel for the petitioner has contended that the petitioner is in custody for a period of 8 years whereas on the other hand, learned counsel for the respondent has contended that in the present case, the petitioner is in custody since 2015. It may be noted here that as per the case of the respondent, 100.462 kg Ketamine and Rs. 70.50 lakhs were allegedly recovered from the residence of the petitioner at Jaipur. No doubt, the petitioner has been granted bail by the High Court at Jaipur.

Learned counsel for the petitioner has also contended that the recovered psychotropic substance does not fall under the NDPS Act whereas on the other hand, learned counsel for the respondent has contended that in view of Section 2 (xxiii) the Ketamine hydrochloride would fall within the scope of the

Narcotics Drugs and Psychotropic Substances Act, 1985.

It is not disputed that the trial of the case is in progress. At this stage, it would not be appropriate for this Court to make any observation on merits of the case. At present, it cannot be overlooked that as per the stand of the respondent more than 100 kg Ketamine was recovered from the residence of the petitioner at Jaipur, which of course, is subject matter of a separate case.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioner, particularly, when the trial of the case is in progress.

Hence, dismissed.”

This Court has again heard learned counsel for the petitioner at length. However, he has failed to point out any change in the circumstance.

Hence, dismissed.

16.12.2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No