

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-9621-2021

Date of decision: - 05.03.2021

Jaswinder Singh alias Kaka

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Lupil Gupta, Advocate,  
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.  
(keeping in view the advance copy given).

( Through Video Conferencing )

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

Present fourth petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.25 dated 22.02.2020, under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner argues that the petitioner is behind the bars since 22.02.2020 and therefore, he be released on regular bail.

Notice of motion.

Mr. Mehardeep Singh, Additional Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the respondents-State.

Custody certificate filed by learned State counsel today in the Court is taken on record.

Learned State counsel argues that 1390 tablets of Clovidol-100 SR are recovered from the possession of the petitioner, which is banned drug and the quantity recovered from the petitioner is commercial in nature and therefore, the prayer of the petitioner for the grant of regular bail be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the case of violation of NDPS Act, the regular bail cannot be granted on the sole ground that the petitioner is behind the bars for the last one year. A large quantity of banned substance was recovered from the petitioner, which *prima facie* shows that the petitioner was involved in trafficking of the same, which is causing great damage to the society and is negatively impacting the country. The allegations against the petitioner are such, it cannot be said that in case bail is granted to him, he will not be involved in the same act again.

Keeping in view the above, no ground is made out to grant the petitioner the benefit of regular bail on the sole ground of custody.

No other argument is raised.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 05, 2021  
naresh.k

( HARSIMRAN SINGH SETHI )  
JUDGE

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |