

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

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CRM-M-24063-2021

Date of Decision : July 01, 2021

KULDEEP KUMAR ALIAS PAPPU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.76 dated 13.6.2019 under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Satnampura, District Kapurthala.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present and that even otherwise also the alleged recovery of 15 injections of buprenorphine containing 2 ML each and 35 grams of heroine was from the petitioner on the spot. He submitted that so far as the heroine is concerned, the same is of non-commercial quantity and therefore, he should be considered for bail on this ground. So far as the 15 injections of buprenorphine consisting 2 ML each is concerned, the same although is of commercial quantity but it is

only marginally above than the commercial quantity, therefore, he may be considered for grant of bail on this ground also. He has submitted that he is in custody since 6.5.2021. Earlier he was on interim bail from 19.7.2019 to 6.5.2021 when he was granted interim bail on 14.06.2019.

On the other hand, Mr. Thind, learned DAG, Punjab has filed custody certificate of the petitioner, which is in the form of affidavit by way of email since the matter is being taken up through video conferencing. The custody certificate is hereby taken on record. Mr. Thind while referring to the custody certificate has submitted that the petitioner was arrested on 14.6.2019 and he was released on interim bail on 19.7.2019 but as per the custody certificate another FIR was lodged against the petitioner on 30.7.2019 under Section 21 of the NDPS Act. He submitted that while on interim bail he committed another offence under the NDPS and therefore, an FIR was lodged against him. Apart from the aforesaid FIR dated 30.7.2020, there is another FIR against the petitioner dated 13.6.2018 and the same is also under Section 21 of the NDPS Act. He submitted that in view of the above the petitioner is not entitled for the grant of bail particularly considering the conduct of the petitioner.

I have heard the learned counsels for the parties.

It has been brought to the notice of the Court that there are two other FIRs against the petitioner under the NDPS Act and one FIR was lodged on 30.7.2020 when the petitioner was on interim bail in the present case.

Considering the totality and circumstances of the present

case and without observing anything on the merits of the case, I do not deem it fit and appropriate to allow the concession of regular bail to the petitioner.

Consequently, the present petition is hereby dismissed.

July 01, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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