

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

CRM-M-21130-2020 (O&M)
Date of Decision:- 1.10.2021

Kuldeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by SI Jasvir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.73 dated 7.6.2020 under Sections 21, 22, 25 and 29 of the NDPS Act, 1985 at Police Station Dhanaula, District Barnala.
2. The FIR was lodged upon receipt of secret information by the police on 7.6.2020 to the effect that Kuldeep Singh (petitioner), Ajaib Singh and Rakesh Kumar indulge in sale of narcotic tablets and “Chitta” in Barnala and in nearby areas and that even on the said day they were proceeding from Village Kattu to village Upali in a black coloured car bearing registration No. DL-13-C-2452 and were carrying narcotic tablets and “Chitta”. Upon receipt of said information, the police swung into action and was able to apprehend Kuldeep Singh (petitioner), Ajaib Singh and Rakesh Kumar from near the bank of a drain situated on the way from village Bhattalan while they were checking some articles in a transparent white polythene bag under

lights of car bearing registration No. DL-13-C-2452. The polythene bag was found to contain another small polythene bag which contained 38 grams of '*heroin*', apart from 1430 white coloured intoxicating tablets found in bag which upon analysis were found to contain '*Tramadol Hydrochloride*' weighing 408.29 milligram per tablet. The total weight of the said 1430 tablets worked out to 583.854 grams.

3. The learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case simply on account of the enmity with the police officials who are all out to ensure that the petitioner is thrown behind bars. It has been submitted that while the petitioner came to be involved earlier in another case lodged under NDPS Act i.e. FIR No.45 dated 3.4.2020, Police Station Dhanaula, District Barnala wherein the petitioner had been granted interim bail on 5.6.2020 by this Court, the police officials of the same very police station i.e. Police Station Dhanaula, Barnala involved him in the instant case just 2 days after the grant of interim bail by this Court when he went to join investigation. The learned counsel has submitted that the sequence of events clearly suggest the intent of the police officials as regards his false implication.
4. Opposing the petition, the learned State counsel has submitted that no motive can be attributed to the police officials for falsely implicating the petitioner inasmuch as they had apprehended the petitioner red handed in discharge of their official duties alongwith two other persons and it cannot be said that the police had any enmity towards the accused. The learned State counsel has further submitted that in view of the fact that the petitioner was caught red-handed alongwith co-accused while in possession of 38 grams of '*heroin*' and 1430 tablets of '*Tramadol Hydrochloride*' weighing

583.854 grams, no case for grant of bail is made out. The learned State counsel has also informed that the petitioner stands involved in large number of cases.

5. I have considered rival submissions addressed before this Court.
6. It is a case where two types of contraband were recovered from the petitioner and of his co-accused. While 38 grams of '*heroin*' would fall in the category of 'non-commercial quantity', the '*Tramadol Hydrochloride*' which was recovered and found to weigh 583.854 grams which would fall in the category of 'commercial quantity'. At this stage, there is nothing to suggest that the petitioner has been falsely implicated or that in case released on bail, the petitioner will not commit any such offence again. The plea of false implication by the police officials is not well founded and there is nothing on record to suggest that as to why the police officials were inimical towards the petitioner. The police officials apprehended the petitioner and two other co-accused in discharge of their official duties. In these circumstances, particularly having regard to the fact that it is a case of recovery of 'commercial quantity' of contraband and also the antecedents of petitioner, no case for grant of bail is made out.
7. The petition is sans merit and is hereby dismissed.

1.10.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No