

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

201

**CRM-M-29353-2021 (O&M)
Date of Order:04.08.2021**

RAVI KUMAR JINDAL ALIAS PINKI

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aayush Arora, Advocate,
for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the fifth petition for grant of bail, pending trial, to the petitioner in a criminal case arising from FIR No.164, dated 07.08.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab.

While dismissing the second petition i.e. CRM-M-12958 of 2020, on 28.09.2020, the following order was passed:-

“This is second petition for grant of regular bail pending trial in a criminal case arising from FIR No. 164 dated 07.08.2019, registered under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station Mandi Gobindgarh, Tehsil and District Fatehgarh Sahib.

As per the case of the prosecution, two persons including the petitioner were apprehended by the police with 1100 intoxicating tablets. From the petitioner herein, 800 intoxicating tablets were recovered whereas from a co-accused, 300 intoxicated tablets were alleged to have been recovered.

Learned counsel for the petitioner contends that the co-accused of the petitioner has been granted the concession of regular bail. He, hence, contends that on parity, the petitioner should also be granted regular bail. Ms. Samina Dhir, Deputy Advocate General, Punjab has pointed out that recovery from the co-accused was not of commercial quantity, whereas the recovery effected from the petitioner is of commercial quantity. She has further submitted that the report from the Forensic Science Laboratory has been received, confirming the presence of prohibited substance.

Keeping in view the provisions of Section 37 of the 1985 Act, no ground for grant the concession of regular bail to the petitioner is made out. Hence, the present petition is dismissed.”

The learned counsel representing the petitioner while drawing attention of the Court to the statement of SI Balwinder Singh-PW2, states that the recovery from the petitioner was only of 300 intoxicating tablets and not 800 intoxicating tablets.

It may be noted here that it is the consistent case of the prosecution that 800 intoxicating tablets were recovered from the petitioner, whereas 300 intoxicating tablets were recovered from the co-accused Harwinder Singh @ Guli.

It is not in dispute that the prosecution has already recorded the depositions of 3 witnesses on its behalf and the case is now fixed for recording the statements of other 3 witnesses, on 23.08.2021.

Since, the trial has already commenced and is at an advance stage, therefore, it would not be appropriate to consider the prayer for grant of bail to the petitioner.

However, the learned trial court is requested to conclude the trial positively, within a period of 4 months.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

August 04, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No