

RUPINDER SINGH @ RUPA

... Petitioner

v/s

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raman Goklaney, Advocate for
Ms. Riffi Birla, Advocate for the petitioner.

Mr. P.S.Walia, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 83 dated 14.12.2018 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act was added vide rapat No. 29 and Section 27-A added later on) at Police Station Sadar Abohar, District Fazilka.

Briefly, the allegations as putforth in the FIR are to the effect that the petitioner along with Jaswant Singh and Sandeep Singh were travelling in a car bearing registration No. PB-22F-1786. The car was being driven by the petitioner and the two co-accused were travelling therein. The car was signalled to stop. The petitioner managed to slip away. Jaswant Singh and Sandeep Singh co-accused were apprehended and 1 Kg of heroin was recovered from the car.

It has been mainly contended by learned counsel for the petitioner that similarly placed co-accused namely Sandeep Singh @ Sonu and Jaswant Singh @ Jassa have been granted bail by this Court.

Furthermore, the petitioner was not apprehended at the spot.

On the contrary, it has been argued by learned State counsel that the petitioner managed to run away from the spot, he is the driver and owner of the vehicle in which the contraband was being carried, he was identified by ASI Somnath at the spot and furthermore, the petitioner had committed the offence while he was on bail in another case bearing FIR No. 38 of 24.5.2018 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, Police Station Khuian Sarwer.

In the case in hand, 1 Kg of heroin has been recovered from the car which was being driven and owned by the petitioner. Furthermore, the petitioner has been specifically and categorically identified by ASI Somnath at the spot. The case of the petitioner cannot be termed to be at par with the co-accused who have been granted bail as the petitioner is the owner and driver of the vehicle in which the contraband was being carried and furthermore, the offence was committed while he was on bail in another case under NDPS Act.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.

04.01.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No