

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32226-2020 (O&M)
Date of Decision:-14.12.2021

Hardeep Kumar @ Deepak

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Rashpal Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.93 dated 28.5.2018 at Police Station Moti Nagar, District Ludhiana under Sections 22, 27-A and 29 of Narcotic Drugs & Psychotropic Substances Act, wherein the allegations, in nutshell, are that on 28.5.2018 the petitioner alongwith Kapil Dev and Hardeep Kumar @ Deepak was travelling in Innova vehicle bearing registration No.PB-10-DB-1063. The said vehicle was intercepted by the police. Upon search of the said vehicle, a bag containing 1 kg. of 'heroin' was recovered from underneath the front passenger seat on which the petitioner was sitting. The search had been effected in the presence of DSP.

2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the petitioner has been behind bars since the last about 3 years and 6½ months and, as such, the petitioner deserves the concession of bail keeping in view the fact that the trial is not progressing.
3. On the other hand, learned State counsel, upon instructions, has submitted that the petitioner was caught red handed while in possession of contraband. It has further been submitted that the petitioner has a chequered history having been involved in several other cases including cases under NDPS Act and, as such, does not deserve the concession of bail.
4. I have considered rival submission addressed before this Court.
5. Keeping in view the fact that it is a case of recovery of 'commercial quantity' of contraband from the car from underneath the seat of the petitioner, the petitioner can safely be attributed conscious possession of the said contraband. The chequered past of the petitioner would tend to show that in case released on bail, he is likely to indulge in similar offences again. Hon'ble Apex Court in a recent judgment i.e. 2020(1) RCR(Criminal) 818 State of Kerala vs. Rajesh Kumar has reiterated the legal position as regards the limitations imposed by Section 37 of the Act and has further held that a liberal approach in matters of bail in offences under NDPS Act is uncalled for. There is nothing on record, at this stage, from which it could be inferred that the petitioner is not guilty of the offence in question. The petition is found to be sans merit and is hereby dismissed.
6. However, keeping in the petitioner has been behind bars for a substantial period of 3 years and 6½ month and till date only 7 PWs out of the cited 17

PWs have been examined, the Trial Court is directed to take necessary steps for expediting the conclusion of trial and to fix short dates and to ensure before hand that the witnesses summoned are duly served.

14.12.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No