

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

CRM-M-35950-2020 (O&M)

Date of decision: 28.01.2021

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Reply filed by the State, be taken on record.

This petition for regular bail has been filed by petitioner Kuldeep Singh, an accused in FIR No.64 dated 28.04.2019, for offences under Sections 21(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Pillukhera, District Jind.

In nutshell, the prosecution story is that on 28.04.2019, petitioner/accused Kuldeep Singh along with his co-accused Jagjit had purchased 30500 tablets Tramadol Hydrochloride tablets 100 mg Clovida-100 SR and 7500 Tramadol Hydrochloride tablets 100 mg, total 15.275 kg (in weight and 3800 gm (pure); on 28.04.2019, in the

area of Ludana Police Post, Police Station Pillukhera, Jagjit was found in conscious possession of those tablets without any permit or licence.

The present accused was arrested in this case on 09.08.2020.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Jind, which was assigned to Addl. Sessions Judge, Jind, who vide order dated 11.09.2020, dismissed the same. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record and I find that no ground is made out for grant of regular bail to the petitioner. The allegations against the petitioner are very grave and serious that he along with his co-accused Jagjit, had purchased huge number of intoxicant tablets, which fall within commercial quantity. Such tablets had been recovered from the possession of his co-accused on 28.04.2019. Though, the petitioner was not present at the time of recovery of said tablets but then he cannot wash his hands off the matter for the said reason. The petitioner comes out to be a habitual offender inasmuch as he is said to be involved in three more criminal cases i.e. FIR No.77 dated 07.08.2018, U/s 61 of the Excise Act, FIR No.49 dated 25.10.2018, U/s 22 of the Act and FIR No.71 dated 27.03.2019, U/ss 22 and 29 of the Act, registered within District Sangrur. In that way, there is every possibility of his taking to path of crime again by resuming drug

trafficking, if he is released on bail. Furthermore, there is reasonable apprehension of his trying to tamper with the prosecution evidence and to abscond even if granted bail. Since, it is a case of recovery of contraband amounting to commercial quantity, bar of Section 37 of the Act is there, which provides that no person accused of an offence involving commercial quantity shall be released on bail without giving the Public Prosecutor an opportunity to oppose the application and if Public Prosecutor offers such opposition, the Court is required to record satisfaction that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail. No ground to record the requisite satisfaction is there in this case. Under the circumstances, no case for grant of regular bail to the petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.01.2021

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(H.S. MADAAN)
JUDGE

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