

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

(Through Video Conferencing)

CRM-M-41049-2020

Date of Decision: 18.02.2021

GURDEEP SINGH

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Kuldeep V. Singh, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in case FIR No.138 dated 24.08.2020 registered under Section 22 (c) of NDPS Act, 1985 at Police Station Guhla, District Kaithal, Haryana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand. He submits that even though it was a case of a secret information, still no independent witness was joined at the time of alleged recovery i.e. 1500 tablets of *Clovidol 100SR* which was effected from the house of the petitioner. It has been submitted that the mandatory provisions of the NDPS Act, 1985 were also not complied with in this case. Learned counsel for the petitioner submits that it is still debatable whether the recovered contraband effected from the petitioner would fall under the commercial or non-commercial category. It has further been submitted that the petitioner has been in custody since 29.08.2020 and there

is no likelihood of the trial concluding any time in the near future. Hence, the petitioner may be extended the concession of the regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from ASI Harpal Singh has submitted that the challan has already been presented on 14.12.2020 and the charges are likely to be framed shortly by the trial Court. She further submits that the petitioner is a man of criminal antecedents and stands convicted in one other case under NDPS Act, 1985. It has also been submitted that three other cases under NDPS Act, 1985 were registered against the petitioner however he has since been acquitted in them. She further submits that the total weight of the contraband effected in the instant case including the polythene bag is 840 grams which falls under the commercial category.

Heard.

In view of the aforementioned facts and circumstances, the petitioner does not deserve the concession of the regular bail in the wake of his criminal antecedents. Resultantly, the instant petition is hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 18, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No