

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

**CRM-M-4591-2022
Date of Decision: 18.07.2022**

Davinder Kumar @ RanaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Surjit Singh.

GURVINDER SINGH GILL, J.

1. Petitioner - Davinder Kumar @ Rana has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.286 dated 13.12.2017 at Police Station Meharban, District Ludhiana, under Section 22 of the NDPS Act.
2. The case of the prosecution is that on 13.12.2017, a police party headed by ASI Davinder Singh, during the course of checking of vehicles by laying barricades intercepted a white coloured Indigo car bearing registration No.PB-01-1671 in which three persons were sitting. While two persons with shorn hair were sitting on front seats, another person was sitting on the rear seat. The persons sitting in the car were asked to step out. The driver of the vehicle disclosed his name as Gurinder Singh. The person sitting next to the driver on the front seat, disclosed his name as Vikrant Rana @ Dimple and the person on the rear seat disclosed his name as Davinder Kumar @ Rana (petitioner). The aforesaid persons were extended an offer in terms of

Section 50 of the NDPS Act and they opted to be searched in presence of a Gazetted Officer. Accordingly, a Gazetted Officer i.e. DSP Rajesh Kumar was called at the spot and in his presence the search of the accused as well as of the car was effected. Upon search of Gurinder Singh, a white coloured cloth was found tied around his waist under his shirt and upon untying and checking the same, a black coloured polythene bag was recovered, which was found to contain ICE (Methamphetamine) weighing 300 grams. The search of Vikrant Rana led to recovery of a black coloured polythene bag from left pocket of his trousers, which was found to contain ICE (Methamphetamine) weighing 300 grams. Similarly, Davinder Kumar was also found to be in possession of 400 grams of ICE (Methamphetamine), which was recovered from right pocket of trousers worn by him. Thus, in all 1 Kg. of ICE (Methamphetamine) was recovered from the accused.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that since two other co-accused have already been granted bail while doubting the factum of recovery, the petitioner also deserves the same concession on the grounds of parity.
4. On the other hand, learned State counsel while opposing the petition has submitted that since a huge quantity of contraband falling within the category of 'commercial' quantity has been recovered, no case for grant of bail is made out. Learned State counsel has further submitted that since it is a case where 400 grams of ICE (Methamphetamine) was recovered from the search of the petitioner while another 300 grams each was recovered from the other two co-accused, who were also travelling with the petitioner when all three of them were apprehended, he does not deserve the concession of

regular bail. Learned State counsel has further submitted that the conduct of the petitioner in having absconded after cancellation of his interim bail and having remained absent for about 2½ years does not warrant any concession.

5. I have considered rival submissions addressed before this Court.
6. There is no dispute that the recovery in the instant case i.e. 1 Kg. of ICE (Methamphetamine) recovered from all the three accused would fall in the category of 'commercial' quantity attracting the fetters imposed by Section 37 of the NDPS Act in the matter of grant of bail. There is nothing in the statements from which it could be inferred that they have been falsely implicated. Further, the conduct of the petitioner in having remained absent for a good 2½ years after cancellation of his interim bail, would rather show that the accused has a tendency for violating the conditions of grant of bail. In these circumstances, no ground for grant of regular bail is made out. The petition is sans merit and is hereby dismissed.
7. The prosecution is, however, directed to ensure the presence of the witnesses, on the dates as may be fixed by the trial Court, for recording their statements. The trial Court shall also make strenuous efforts for concluding the proceedings of trial at the earliest.

18.07.2022

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(GURVINDER SINGH GILL)
JUDGE

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