

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20146-2021

Date of decision :19.05.2022

Kailash Kumar @ Sonu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Dhaliwal, Advocate for the petitioner.
Mr. Sandeep Singh Deol, DAG., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.117 dated 23.05.2019 under Sections 21, 25, 27-A and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Mansa, District Mansa, who is in custody since his arrest on 27.02.2021.

As per the allegations levelled in the FIR, on 22.05.2019 SI Sukhjit Singh along with other police officials was patrolling on the link road from village Thutian Wali and took turn towards DC Trangile Mansa at the T-point of main road, where one motorcycle make Splendor without any registration was found parked. In the head light of the said motorcycle, one young person was searching something in a plastic polythene, who also had a small computerized scale in his other hand. On suspicion, the said person was apprehended, and on inquiry

he disclosed his name as Jagtar Singh @ Tari. On cheking the plastic polythene bag, heroin weighing 50 grams was recovered. Subsequently on his disclosure statement some other accused was implicated and on further similar statements, the petitioner was indicated as an accused for keeping 352 grams of heroin in his house and the same was recovered at the time of his arrest.

Learned counsel for the petitioner has argued that in fact the recovery of 50 gram heroin was recovered from Jagtar Singh and later on, upon his disclosure statement, other accused persons were implicated by police. He submits that from co-accused Babbi Kaur 650 tablets of alprazolam, 500 tablets Clovidol and 34 grams of smack was recovered and upon her statement, Sikander Singh was arrested. He submits that the petitioner was also implicated in the similar manner. It is pointed out that the other co-accused have already been released on bail. According to him, investigation of the case is complete and the trial is not progressing speedily, as after framing of charges on 25.08.2021, out of total 32 prosecution witnesses no witness has been examined so far, therefore, considering the custodial period of the petitioner, he be released on regular bail.

While opposing the prayer, learned State counsel who is assisted by ASI Upkar Singh has argued that the case of the petitioner is distinguishable from the co-accused as no recovery was effected

from them and they were implicated on the basis of statement of those accused, who were possessing the narcotic substance. He further argued that the petitioner had been supplying heroin to Jagtar Singh and Sikander Singh and 352 grams heroin and two mobile phones were also recovered from the house of the petitioner, therefore, he does not deserve the concession of bail. He on instructions further states that the case is now fixed for 25.05.2022 before the trial Court for recording prosecution evidence.

After hearing learned counsel for the parties and considering the background of this case, this Court finds that as per prosecution, the petitioner along with his accomplices used to supply contraband to other accused, and 352 grams of heroin was recovered from the house of petitioner, which falls in commercial quantity, therefore, this Court does not find it to be a fit case for releasing the petitioner on regular bail

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

19.05.2022

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No