

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

212

CRM-M-22977-2021(O&M)
Date of Decision : April 25, 2022

VIKRAMJEET SINGH @ BIKKAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.25 dated 13.3.2021 under Sections 22, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dhanaula, District Barnala.

As per the FIR, an information was received by the police party that two persons, namely, Vikramjeet @ Bikkar (petitioner) and Harpreet Singh @ Happy in connivance with each other bring Narcotic Tablets from outer States and distribute in Sangrur and Barnala at a large scale and the car number was also mentioned in the FIR i.e. PB-09-Z-8911 colour White make Swift. They had also changed the number of the Car to DL-09A-AL-4312. Thereafter, naka was laid down by the police after receiving the information and registering the FIR.

The learned counsel for the petitioner has submitted that the

petitioner is in custody from 13.3.2021 and the petitioner has been falsely implicated in the present case in view of the fact that the IO had enmity with the petitioner because son of the brother-in-law of the petitioner was earlier involved in some other case i.e. FIR No.101 dated 29.6.2020 under Sections 22 and 25 of NDPS Act, Police Station Barnala in which the said IO had taken some bribe and regarding that incident a petition was also filed before this Court seeking directions which is still pending and has submitted that keeping that grudge the petitioner was falsely implicated and, therefore, has prayed for the grant of regular bail.

On the other hand, the learned State counsel has stated that it is correct that is in custody from 13.3.2021 and it is wrong that the FIR has been lodged by falsely implicating the petitioner. He submitted that a detailed affidavit has been filed by the SSP, Barnala, District Barnala and while referring to the aforesaid affidavit he submitted that it is a case where the petitioner, namely, Vikramjeet Singh @ Bikkar and another co-accused, namely, Harpreet Singh @ Happy were caught on the spot and there was a recovery of 10000 tablets of tramadol hydrochloride and there was also a recovery of two fake number plates of the car from them. He further submitted that on being further investigated, the petitioner had disclosed the name of other co-accused, namely, Vicky Singh from whom there was a recovery of 40000 tablets alongwith drug money of Rs.1,50,000/- and thereafter there were further recovery of 5000 loose tablets and after that another recovery of 3000 tablets totaling 48000 tablets from aforesaid Vicky Singh who was nominated on the basis of a disclosure statement of the present petitioner and thereafter on the

aforesaid disclosure statement of aforesaid Vicky Singh, Rinku Singh was also nominated and on whose disclosure statement there was a recovery of 1350 tablets. The aforesaid Rinku Singh again disclosed the name of Raju Singh, who is still to be arrested. He submitted that the petitioner is involved in 3 more cases although not under the NDPS Act but the antecedents of the petitioner are not clean. He further submitted that the recovery in the present case is very large and falls in the category of commercial quantity, therefore, the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act. While referring to the argument raised by the learned counsel for the petitioner with regard to false implication, he submitted that while referring to the affidavit filed by the SSP, Barnala that a petition was filed before this Court by one Parminder Singh in connection with FIR No.101 dated 29.6.2020 under Sections 22 and 25 of NDPS Act, Police Station Barnala and another CRM-M-1636-2021 has been filed with the allegations that the police has demanded Rs.4 lacs from him and thereafter SIT was constituted in this regard which came to the conclusion that the allegations levelled by the aforesaid Parminder Singh and his father were found to be false and the reply has been submitted before this Court in the aforesaid petition. He further submitted that the menace of drug is at large and the quantity confiscated in the present case was not only from the petitioner but from the other co-accused which is very large and, therefore, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsels for the parties.

The petitioner is in custody from 13.3.2021. As per the

allegations the petitioner alongwith another co-accused Harpreet Singh @ Happy were caught on the spot alongwith 10000 tablets and two fake car number plates and thereafter during the course of investigation names of other persons were nominated on the basis of the disclosure statement of the petitioner and there was huge recovery of tablets from the persons so nominated as well as from the petitioner and co-accused Harpreet Singh @ Happy. The argument raised by the learned counsel for the petitioner that the case was planted upon the petitioner in view of the fact his relative had filed a petition before this Court seeking fair investigation in some other case cannot be of any benefit to the petitioner because according to learned counsel for the parties there is no adjudication in that case imposing any liability on any police official. The allegations of malafide levelled by the petitioner cannot constitute a ground for making a departure from the specific bar contained under Section 37 of the NDPS Act. Even otherwise also the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act. Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

April 25, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No