

213
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26773-2021
Date of Decision: 22.11.2022

CHARANJIT SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Duhan, Legal Aid Counsel, for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.198 dated 29.08.2019, under Sections 22 (c) (Notification No.61) of NDPS Act, registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 30.04.2021 and thereafter, the challan has been presented before the competent Court and charges have been framed. He further submitted that the name of the petitioner was nominated on the basis of disclosure statement made by the co-accused and the allegation against the petitioner was that he had supplied the confiscated contraband to the co-accused which compromised 420 tablets of Tramadol. He further submitted that although the aforesaid contraband falls in the category of

commercial quantity but in view of the fact that his name has been nominated on the basis of the disclosure statement, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is a case where the petitioner had supplied the aforesaid 420 tablets of Tramadol which falls in the category of commercial quantity under the NDPS Act and prayer of the petitioner for the grant of regular bail is hit by the bar contained under Section 37 of the NDPS Act since no ground is available with the learned counsel for the petitioner for making a departure from the bar contained as aforesaid. He submitted that in the investigation it has come that it was the petitioner who had supplied to the co-accused the aforesaid 420 tablets of Tramadol and the petitioner is a habitual offender and is involved in 11 more cases out of which 4 cases pertain to NDPS Act. He submitted that in view of the aforesaid facts and circumstances, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is although in custody from 30.04.2021 and as per the allegation he had supplied 420 tablets of Tramadol to the co-accused which falls in the category of commercial quantity under the NDPS Act. The petitioner is stated to be involved in 11 more cases out of which 4 pertain to NDPS Act and there is no ground available with the learned counsel for the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.11.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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