

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221)

CRM-M-26243 of 2022

Date of Decision:08 .09.2022

Sandeep Singh @ Kaku

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dilraj Singh Bhinder, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

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.06 dated 04.02.2021, under Section 22/29 of the NDPS Act, registered at Police Station GRP Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody for the last 1½ years and only one witness has been examined so far. He further submitted that the petitioner is not involved in any other case and has been falsely implicated in the present case and is not named in the present FIR and therefore he may be considered for grant of regular bail.

On the other hand, learned State counsel, on instructions from SI Sudagar who is present in Court, has submitted that it is the case where a huge recovery of 17000 tablets of Tramadol from the co-accused namely Rabinder Singh has been effected. He submitted that the petitioner alongwith the aforesaid co-accused Rabinder Singh, who was caught on the spot, had collectively boarded the train from Bathinda to Delhi which was to return back on the same day and there is sufficient material on record to show that both of them had taken ticket for the said journey and there is an electronic ticket which is also available on record. Apart from the fact that the mobile tower locations were also matched and both of them had travelled together, but at the time of confiscation, the petitioner had managed to escape but the other co-accused was caught on the spot. He further submitted that the said huge recovery falls under commercial quantity under the NDPS Act, 1985 and there is no ground available with the petitioner to make a departure from the aforesaid bar contained under Section 37 of the NDPS Act.

I have heard learned counsel for the parties.

The petitioner is in custody for the last 1½ years and one witness has been examined according to the learned counsel for the petitioner. There has been a recovery of 17000 tablets of Tramadol which is a huge quantity and is commercial quantity under the NDPS Act. The connectivity of the present petitioner with the other co-accused has been so stated by the learned counsel for the State on the ground that there is sufficient evidence available to connect the petitioner with the other co-accused who was caught on the spot, therefore there is no ground available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

Therefore, finding no merits in the present petition, the same is hereby dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No