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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-39739-2022 in/and
CRM-M-30459-2022 (O&M)
Date of Decision: 29.10.2022

SIMRANJIT SINGH @ RANDHAWA

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohd. Yousaf, Advocate for applicant-petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-39739-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Kunal Muthreja, AAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

Main case

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.99 dated 20.05.2021 registered under Section 20 NDPS Act, 1985 at Police Station Division No.6, District Jalandhar Commissionerate. The petitioner is in custody since his arrest on 20.05.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Jalandhar in the order dated 07.06.2021 are as under:

“....as per the prosecution version, from the Swift Car No.PB-08-ES-4629 accused-applicant alongwith Varun Sharma and Mohit Sharma were arrested. It is alleged by the prosecution that from the car under the driver seat, where Varun Sharma was sitting, one polythene was found and out of which 900 grams of Charas was recovered. Similarly, from the lap of accused Mohit Sharma 700 grams of Charas was recovered. Whereas, from the possession of present applicant Simranjit Singh, 80 grams of Charas was recovered from the plastic satchet, he was having in the right pocket of his wearing trouser....”

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time and has been falsely implicated in this case. He states that the investigation of the case is complete and charges have been framed on 22.10.2021 and only three prosecution witnesses have been examined out of total eleven witnesses so far. He prays for regular bail.

Learned State counsel assisted by ASI Sawraj Thapar has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He has further produced the custody certificate of the petitioner, which indicates that the petitioner is involved in two more cases. However, according to him, the charges in this case were framed on 15.11.2021, and eight prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per prosecution, separate recoveries of charas were effected from all the occupants of the vehicle bearing car No.PB-08-ES-4629 and the quantity recovered from the petitioner is commercial in nature and apart from it, the petitioner is also embroiled in two other cases of offences punishable under Indian Penal

Code, therefore, at this stage, this Court does not find it to be a fit case for extending the concession of regular bail to the petitioner.

Petition is dismissed.

29.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No