

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30544-2020 (O&M)
Date of Decision:05.07.2022

Deepak Kumar @ Deepu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Khiva, Advocate for
Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.182 dated 24.08.2019 registered under Sections 22 and 25 NDPS Act (Section 29 NDPS Act added later on) at Police Station Sadar Jagraon, District Ludhiana (Rural). The petitioner is in custody since his arrest on 24.08.2019.

The FIR was registered on the basis of a secret information and the allegations noticed by the Id. Addl. Sessions Judge, Ludhiana in the order dated 30.05.2020, while declining the bail application of petitioner, read as under:

“....on 24.8.2019 when police was on patrolling duty then received secret information that non applicant Aman Garg and applicant Deepak Kumar are habitual of selling intoxicant tablets and intoxicant injection in huge quantity and also coming in Honda Amaze car no.PB-29T- 6877 from the side of Ajitwal to Jagraon City by carrying intoxicant tablets and injections and during nakabandi they may be apprehended. Accordingly during nakabandi in the area of Gurusar Kaunke apprehended non applicant Aman Garg and applicant Deepak Kumar @ Deepu alongwith above mentioned

car. On search of the car from its diggi total 24600 intoxicant tablets of Alprazolam, 200 intoxicant injections of pentazocine lactate and Rs.5 lac drug money were recovered.”

Learned counsel for the petitioner has argued that police swung into action on the basis of a secret information and intercepted the vehicle bearing No.PB-29T-6877 and arrested the petitioner and his accomplice, namely, Aman Garg @ Babbal for allegedly carrying in their possession 24600 intoxicant tablets of Alprazolam along with 200 intoxicant injections of Pentazocine Lactate and drug money of Rs.5 lacs. He submits that the petitioner is not involved in any other case much less of similar nature, therefore, his further custody may not be necessary, as the investigation of the case is complete. Learned counsel has argued that the trial is not making any progress, therefore, he be released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Paramjit Singh, who has argued that the petitioner and his co-accused were carrying intoxicant material, which fell into the definition of narcotic substance and the quantity recovered is commercial in nature. It is pointed out that during investigation co-accused of the petitioner Aman Garg @ Babbal suffered disclosure statements and on the basis of the same, Vipin Kumar Bansal, Jagtar Singh and Gurharmanjeet Singh @ Harman @ Soni were arraigned as accused and from them huge recovery of intoxicant material was effected. Learned State counsel has referred to the reply filed by way of affidavit of Dilbagh Singh, PPS, DSP(D), District Ludhiana (Rural) and submitted that the facts and circumstances of the case would show that all these accused persons have created a chain to deliver the narcotic substance, therefore, considering the gravity of the offence, the petitioner does not deserve the concession of regular bail. He, on

charges have been framed on 20.02.2020, but out of total twenty nine prosecution witnesses, no prosecution witness has been examined so far.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per prosecution, commercial quantity of intoxicant tablets were recovered from accused Aman Garg @ Babbal and petitioner Deepak Kumar @ Deepa and subsequently on the disclosure made by the accused during interrogation, more recovery of intoxicant tablets and drug money was effected from various accused. No doubt, the charge against the accused were framed on 20.02.2020, but soon thereafter, there was breakout of pandemic COVID-19 and in order to curb the spread of pandemic, complete lockdown was imposed and this adversely effected the functioning of the Courts as well, therefore, the delay caused in trial cannot be attributed to anyone. Thus, considering the nature of the offence as well as the quantity of the contraband recovered from the accused persons, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioner on regular bail.

Resultantly, the petition fails and is dismissed.

05.07.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No