

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41553-2022
Date of Decision: 15.09.2022

Partap Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukul Ahuja, Advocate, for
Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 63 dated 26.05.2020, under Sections 21 and 29 of NDPS Act, registered at Police Station STF Phase-IV, Mohali (Headquarter at Mohali), District Ferozepur, Punjab.

It is the case of the petitioner that the petitioner has been falsely implicated in the present case and he is in custody from 26.05.2020 and therefore, considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General Punjab has submitted that it is a case where on the basis of information that the present petitioner who has been named in the FIR

has links with smugglers of Pakistan for the purpose of trading of heroin and he in connivance with the other associates have exchanged WhatsApp messages and they have got huge heroin from the smugglers of Pakistan and they have buried under the sand near India-Pakistan border across the barbed wire near iron pillar No.218/11 near zero line, near Kacha rasta near the land of Kashmir Singh, resident of Chandiwala, District Ferozepur. He further submitted that there was a recovery of 6 kg. heroin hidden on the border of India-Pakistan and thereafter, when the petitioner was arrested on the next day, then on his disclosure statement there was a recovery of 5 kg. 40 grams of heroin from him in which a separate FIR was lodged i.e. FIR No.64 dated 27.05.2020. He further submitted that in this way so far as the present FIR is concerned, there was a recovery of 6 kgs. of heroin which the petitioner had hidden at the India-Pakistan border and the aforesaid FIR there was a recovery of 5 kg. 40 grams of heroin which was recovered from him and the petitioner is a habitual offender. He further submitted that the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act.

I have heard the learned counsel for the parties.

As per the prosecution, on the basis of secret information there was alleged recovery of 6 kgs. of heroin from India-Pakistan border near barbed wire and the present FIR was lodged and thereafter, when the petitioner was arrested, then from him there was another recovery of 5 kg. 40 grams of heroin in another FIR No.64 was lodged against him on the next day. 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

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 hereby 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.

15.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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