

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

**CRM-M-48754-2021 (O & M)**

**Date of Decision: 30.05.2022**

Ranjit Singh @ Baggo

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Rakesh Kumar, Advocate,  
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

**HARNARESH SINGH GILL, J.(Oral)**

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.124 dated 01.05.2020, registered at Police Station Sultanpur Lodhi, District Kapurthala, under Section 21 NDPS Act.

Learned counsel for the petitioner contends that there had been a litigation between the father of the petitioner and the police officials by way of FIR No.324 dated 21.12.2018, Police Station Sultanpur Lodhi, under Sections 307, 332, 186, 353, 148 and 149 IPC, that however, his father stood acquitted by the trial Court, and that owing to the aforesaid litigation, the police officials had been nourishing a grudge against him, which resulted into the his false implication in the present case.

Learned counsel for the petitioner contends that the above-noted FIR was registered on 01.05.2020, when a strict lockdown had been imposed throughout the country and during the said period, nobody was allowed to come out from the house, and that there was no occasion for the petitioner to go outside the village during lockdown.

Learned counsel further contends that recovery of 255 gram of heroin, marginally above the commercial quantity, had allegedly been effected from the petitioner; that the prosecution witnesses are yet to be examined and that he has been in custody since 01.05.2020.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the recovery effected from the petitioner, falls under the commercial quantity. Moreover, the petitioner is a habitual offender and there are as many as three other cases registered or pending against him, under the NDPS Act.

I have heard the learned counsel for the parties.

Indisputably, the extent of recovery of heroin effected from the petitioner, falls under 'commercial quantity'. Section 37 NDPS Act bars the grant of bail to the accused in case of 'commercial quantity'. The argument of the learned counsel for the petitioner to release him on bail due to custodial period, is not worth consideration, in view of the order dated 29.10.2021 of the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 5507/2020 – Jamshed Alam @ Jamsher Alams Vs. The State of Jharkhand, wherein the accused was granted bail after custody period of more than 3 years.

Moreover, a perusal of the record would also show that there are as many as 03 other cases of similar nature, registered or pending against the petitioner. Thus, the criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

So far as the arguments of the learned counsel for the petitioner qua false implication due to previous enmity with the police, is

concerned, the same is a matter of trial and cannot be dealt with at this stage while deciding the bail petition.

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

30.05.2022  
parveen kumar

(HARNARESH SINGH GILL)  
JUDGE

|       |                           |   |        |
|-------|---------------------------|---|--------|
| Note: | Whether speaking/reasoned | : | Yes/No |
|       | Whether reportable        | : | Yes/No |