

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-47148-2022
Date of decision: 14.11.2022

RAHUL BHARDWAJ

..Petitioner

Versus

DIRECTOR OF REVENUE INTELLIGENCE

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioner.

Mr. Sunish Bindlish, Sr. Standing
counsel, CBIC,
Mr. Gagandeep S. Malhotra, Advocate
and Mr. Prashant Rana, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

This is the petitioner's 4th attempt to get bail in a pending complaint case No.31, dated 05.11.2014 (now bearing NDPS Act No.774 dated 05.11.2014), titled as “Parminderjit Singh Gill & othes Vs. Intelligence Officer, Directorate of Revenue Intelligence (Zonal Unit), 51-D, Sarabha Nagar, Ludhiana, filed under Sections, 2, 8, 9, 21, 22, 27-A and 29 of the NDPS Act, 1985 (Annexure P-1) (charges framed under Section 22, 27-A, 29 of NDPS Act, 1985 vide order dated 16.05.2015).

The first petition was dismissed on 01.09.2020 with the following order:-

“The petitioner has filed the present petition under Section 439 Cr.P.C for grant of regular bail to the petitioner in complaint case no.31 dated 5.11.2014 (now bearing NDPS Act No.774 dated 5.11.2014) titled as ‘Parminderjit Singh Gill vs. Intelligence Officer, Directorate of Revenue (Zonal Unit) 51-D, Sarabha Nagar, Ludhiana’ under Section 2, 8, 9, 21, 22, 27-A, 29 of Narcotics Drugs and Psychotropic Substances Act,

1985 (charges framed under Section 22, 27-A, 29 of NDPS Act, 1985 vide order dated 16.5.2015).

The brief facts of the case have been noticed by the learned Special Court, Ludhiana in para 5, which is extracted as under:-

“5. The present complaint has been registered against the applicant/accused. The allegations against the applicant/accused are that one cardboard box was recovered containing two packets out of which one pouch was Silver Colour Foil Pouch (8” to 12” approximately) containing White Colour Powder. The other packet was a Transparent Polythene Packet (8” to 12” approximately) also containing White Colour Powder, which was recovered from the possession of co-accused and was sent by the present applicant/accused to the coaccused. Both the packets were found to be containing White Colour Powder weighing 1.020 Kilograms and 1.012 Kilograms respectively. As per report of Chemical Examiner, Central Revenues Control Laboratory, New Delhi, it was opined that the samples sent to it for analysis were found to be of Ketamine Hydrochloride. The applicant/accused failed to produce any valid license or permit for possessing and sending the recovered contraband. Perusal of record reveals that the applicant has booked the consignment and that he is the main accused.”

On the one hand, learned counsel for the petitioner has contended that the petitioner is in custody for a period of 8 years whereas on the other hand, learned counsel for the respondent has contended that in the present case, the petitioner is in custody since 2015. It may be noted here that as per the case of the respondent, 100.462 kg Ketamine and Rs. 70.50 lakhs were allegedly recovered from the residence of the petitioner at Jaipur. No doubt, the petitioner has been granted bail by the High Court at Jaipur.

Learned counsel for the petitioner has also contended that the recovered psychotropic substance does not fall under the NDPS Act whereas on the other hand, learned counsel for the respondent has contended that in view of Section 2 (xxiii) the Ketamine hydrochloride would fall within the scope of the Narcotics Drugs and Psychotropic Substances Act, 1985.

It is not disputed that the trial of the case is in progress. At this stage, it would not be appropriate for this Court to make any observation on merits of the case. At present, it cannot be overlooked that as per the stand of the respondent more than 100 kg Ketamine was

recovered from the residence of the petitioner at Jaipur, which of course, is subject matter of a separate case.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioner, particularly, when the trial of the case is in progress.

Hence, dismissed.”

The second petition was dismissed on 16.12.2020. The petitioner assailed its correctness before the Supreme Court in SLA(Crl.) No.737 of 2021, which was dismissed with the following order:-

“We are not inclined to interfere with the impugned judgment passed by the High Court. Special Leave Petition is dismissed. However, trial counsel is directed to expedite the trial.

Pending applications, if any, also stand disposed of.”

Again, the petitioner made yet another attempt which was not acceded to on 16.03.2022.

It has been brought to the notice of the Court that the prosecution has already recorded deposition of as many as 8 prosecution witnesses and on the application filed by the petitioner, CW-1 Yash Kumar has been summoned for cross-examination vide order dated 03.09.2022.

Keeping in view the aforesaid facts, no ground to grant the concession of bail is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 14th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*