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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Order pronounced on 16.08.2022*

+ BAIL APPLN. 3444/2021

SUKHJINDER SINGH @ SONU Petitioner

Through: Mr. Sumit Sharma, Mr. Akhil Mittal
and Mr. Narender Advocates.

versus

STATE Respondent

Through: Mr. N.S. Bajwa, APP.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. The applicant has moved this application for grant of regular bail in case FIR No. 18/2012 under Section 21 & 29 of the NDPS Act registered at PS Special Cell, New Delhi.
2. It has been submitted that the applicant has been falsely implicated by the officers of Special Cell and nothing incriminating was recovered from him or at his instance. Charges were framed against the applicant as well as co-accused Ranjit Singh Kandola on 21.08.2014 under Section 21, 22, 25A & 29 of NDPS Act and under Section 25 of the Arms Act on the ground that the present accused/applicant, in conspiracy with co-accused Ranjit Singh Kandola, had acquired and possessed *heroin* and pseudoephedrine hydrochloride, in contravention of provisions of NDPS Act and from his possession 150 gm of pseudoephedrine hydrochloride, one automatic loaded pistol and four more live cartridges were recovered and from



possession of co-accused Ranjit Singh Kandola 411 grams of *heroin*, 3.5 gm of methamphetamine, one automatic loaded pistol and four more live cartridges were recovered and at the instance of present applicant and his co-accused 94 grams of ephedrine, one automatic pistol alongwith five live cartridges and manufacturing apparatus used for manufacturing of methamphetamine were recovered.

3. It has been further submitted that the regular bail applications moved by the petitioner were dismissed by the learned Special Judge on 21.08.2014 and 26.02.2016. A further bail application was moved, which was dismissed by learned Trial Court on 19.07.2021, hence the present bail application was moved on the grounds that the accused has already undergone imprisonment for a period of 9 years and 1 month (approximately) without any benefit of regular bail or interim bail; there is no compliance of provisions of Section 41 of the NDPS Act and hence rigor of Section 37 of NDPS Act cannot be invoked by the prosecution; the accused has already undergone 90% of the minimum prescribed punishment as per law and the applicant has a family to look after.

4. Notice was issued. Status report as well as Additional Status Report have been filed. The details of the circumstances, under which the present applicant as well as co-accused were apprehended, have been given. It has been submitted that the petitioner is involved in number of cases including that of NDPS. He is having involvement in as many as 12 other cases. At best, a direction for expediting the trial may be given as the present petitioner is facing charges of criminal conspiracy alongwith another accused, who was found with commercial quantity of *Heroin* and the punishment may extent to 20 years and bar of Section 37 of NDPS Act is



also applicable. There is every likelihood of the present petitioner indulging in similar activities considering his previous involvements and there is every likelihood of accused absconding in view of the fact that the trial is at a fag end.

5. In Additional Status Report, the factum regarding the present accused being found in possession of 70 grams of substance/ice while in custody at Central Jail, Kapurthala on 11.08.2021 stands verified and it has been further submitted in the present case that the prosecution evidence has already been recorded and the matter was listed for Statement of Accused. A direction may be issued for concluding the Statement of Accused and final arguments in a time bound manner.

6. Arguments have been heard. Learned counsel for the petitioner has also filed written submissions. I have gone through the same.

7. Since there is a time lapse from the date when the application was first taken up for hearing on 16.09.2021 and today when the order is being dictated, I thought it proper to enquire about the present status of the case in hand, in which bail has been prayed on behalf of the accused. It has been confirmed from the learned Trial Court that the case is already listed for final arguments on 20.08.2022.

8. Keeping in view that the Sessions Case No. 8826/2016 titled ***State v. Ranjit Singh Kandola & Anr.*** pending in the Court of learned Special Judge, NDPS, New Delhi is now listed for final arguments on 20.08.2022 and the previous history of involvement of the present accused/applicant in similar type of offences, especially the case where during his jail custody, he was found in possession of the substance defined under NDPS Act, I am not inclined to grant bail to the accused.



9. Rather, the prosecution as well as the counsel for the accused are advised to address arguments on the date so fixed for hearing of final arguments before the learned Special Judge on 20.08.2022 and the learned Trial Court is expected not to grant undue adjournments to either side and to conclude the trial at the earliest, keeping in view that the petitioner is in custody for a long time. This is, however, subject to the workload of the Court and further subject to the directions issued by this Court or by the Hon'ble Supreme Court regarding expeditious disposal of other cases pending before the said Court.

10. The bail application is dismissed with the aforesaid directions.

11. Copy of the order be sent to learned Special Judge for information.

TALWANT SINGH, J

AUGUST 16, 2022/mr

[Click here to check corrigendum, if any](#)