

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

**CRM-M-12689-2023
Decided on: 16.10.2023**

Harnaib Singh @ Naib

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. L.S. Sekhon, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

Status report by way affidavit of Shri Satvir Singh PPS, Deputy Superintendent of Police, Sub Division, Barnala along with custody certificate has been filed today in Court and the same is taken on record.

2. By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.90 dated 10.06.2019 registered at Police Station Dhanaula, District Barnala under Section 22C of the Narcotics Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] and Section 201 IPC.

2. As per allegations, on 10.06.2019, secret information was received by the police that Naib Singh son of Mehar Singh was habitual of selling intoxicant tablets and that on that day, he was coming from village Kattu to Bhaini Mehraj. Naka was laid. Information was sent to the higher officers. In the meantime, one Manjeet Kaur wife of Makhan Singh, and Sukhwinder Singh s/o Kaur Singh also came to the spot. They were

requested to join police party. Manjeet Kaur agreed for the same. After some time, a person was seen coming on the motor cycle, who at the sight of the police party, threw a plastic envelop hanging on the handle of his motorcycle and fled away. Manjeet Kaur indentified that person to be Naib Singh son of Mehar Singh and further told that said Naib Singh used to come to their village several times for selling intoxicant tablets. Despite chase given by the police party, said Naib Singh could not be apprehended. On checking the envelope, 900 intoxicant tablets of ALPRASAFE 0.5 having specific batch number and date of manufacturing etc. were found therein. Total weight of the contraband recovered was found to be 108.243 gm and thus, the recovered quantity of contraband falls in the commercial quantity. During investigation, complete name and address of Naib Singh was verified to be Harnaib Singh @ Naib son of Mehar Singh resident of Village Mullowal, Tehsil and District Sangrur. He was arrested on 27.03.2021.

3. It is contended by Id. counsel that petitioner has been falsely implicated on the basis of statement of Manjeet Kaur; that no recovery was effected from him; that Manjeet Kaur was inimical to the petitioner, as in fact the tablets had been recovered from the husband of Manjeet Kaur, who paid ₹70,000/- to the police and became a witness against the petitioner. The petitioner has given details of 5 cases, in which he is involved, to submit that he has been involved in those cases falsely, having no connection with the recovery.

4. Ld. State counsel has strongly opposed the bail petition by pointing out that recovered quantity of contraband from the petitioner is

commercial in nature. Though it is conceded that petitioner was not apprehended from the spot, but it is argued that when he fled from the spot, after throwing the polythene containing the contraband, he had been identified by Manjeet Kaur. Id. State counsel also drawn attention of the criminal antecedents of the petitioner, who has already been convicted in 2 cases of NDPS Act including case FIR No.42 of 2009 registered under Section 15 of the NDPS Act at Police Station, Sherpur, wherein he has been sentenced to undergo rigorous imprisonment for 10 years; and FIR No.49 of 2013 registered under Sections 18/61/85 of the NDPS Act at Police Station Sadar Nabha, wherein he has been sentenced to undergo rigorous imprisonment for one year. As per the details given by Id. State counsel, though petitioner has been acquitted in one NDPS case, but he is still facing trial in 2 more cases, one in NDPS Act and one under Section 307 IPC.

5. Having regard to all the facts and circumstances, particularly the recovery of contraband falling in commercial category and criminal antecedents of the petitioner, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.

Dismissed.

16.10.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No