

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

CRM-M No.14601 of 2022

Date of decision: 25th January, 2023

Baldev Raj @ Debu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.132 dated 24.08.2021 (Annexure P-1) under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 25 NDPS Act added later on) registered at Police Station Bikhi, District Mansa.

Learned counsel for the petitioner inter alia submits that it is a case of false implication inasmuch as the petitioner was nominated as an accused in the disclosure statement made by the co-accused Bhajan Kaur, from whom recovery of 20 gms of Heroin was effected. Co-accused Bhajan Kaur nominated one Narinder Singh and it was Narinder Singh who nominated the petitioner along with one Gurbinder Singh @ Guru. Thereafter, a recovery of 300 gms of Heroin, which is marginally higher than the prescribed commercial quantity, was alleged to have been effected from him, and that too, from a Scorpio vehicle.

Learned counsel submits that in fact no recovery was effected, and the petitioner along with the co-accused Gurbinder Singh @ Guru was standing outside his house when the police came and planted the case in hand. He also submits that the petitioner has now been in custody for the last one year and five months, having been arrested on 25.08.2021. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He has submitted that the petitioner is a person with criminal past inasmuch as he is involved in three more cases under the NDPS Act including the present case and also one under the Excise Act. He submits that seeing the criminal antecedents of the petitioner, he does not deserve concession of bail, as only final report under Section 173 Cr.P.C. has been presented till dated.

I have heard learned counsel for the parties and perused the relevant material on record.

When this Court was not inclined to extend the concession of bail to the petitioner, a prayer has been made by learned counsel for the petitioner for withdrawal of the instant petition.

As prayed, dismissed as withdrawn.

(MANJARI NEHRU KAUL)
JUDGE

January 25, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No