

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-19097 of 2023

Date of Decision:24.07.2023

Karandeep Singh

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amandeep Singh Samra, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0098 dated 20.08.2020, under Sections 21, 29 (61 & 85 added subsequently) NDPS Act, registered at Police Station STF, District SAS Nagar Mohali.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about two years and two months and one prosecution witness has been examined in-chief and the trial of the case may take long time. He submitted that it is a case where no recovery was effected from the petitioner even as per the prosecution story and the petitioner has been implicated only because of the disclosure statement of the other co-accused, namely, Sukhwinder Singh @ Kaka that the petitioner has relations in Pakistan and on the basis of the aforesaid disclosure statement made by the co-accused that he has been so nominated in the

present case. He submitted that the petitioner was earlier involved in about 12 cases including four cases under the NDPS Act but he has since been acquitted in most of the cases but he has since been convicted only in one case under Sections 323 and 327 IPC. He further submitted that since the trial may take long time, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that so far as the custody period of the petitioner is concerned, the same is not disputed but he has vehemently opposed the grant of bail to the petitioner on the ground that it is a case where the FIR was lodged against three persons including the petitioner and the information was received by the police with regard to the across border smuggling of heroin and in pursuance of the aforesaid information, there had been a recovery of 4 kgs. and 290 grams of heroin from the fields of the other co-accused, namely, Sukhwinder Singh @ Kaka. He submitted that during investigation it was also found that the petitioner was hand-in-glove with the aforesaid co-accused, namely, Sukhwinder Singh @ Kaka and he had also relationship with other persons in Pakistan. He further submitted that the petitioner was involved in as many as 12 more cases including the NDPS Act and he has since been convicted in one case but acquitted in most of the cases. Learned State counsel has further opposed the grant of bail to the petitioner on the anvil of Section 37 of the NDPS Act and stated that the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and also submitted that the gravity and magnitude of the present case involving inter-country smuggling would disentitle the petitioner for grant of regular bail.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for about two years and two months. As

per the allegations, the petitioner was hand-in-glove with the co-accused, namely, Sukhwinder Singh @ Kaka and there was a recovery of 4kgs. 290 grams of heroin from the aforesaid Sukhwinder Singh @ Kaka. Without going into the merits of the allegations made but only for considering the grant of regular bail to the petitioner, this Court is of the view that considering the magnitude and gravity of the allegations against the petitioner, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 24, 2023

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No