

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39617-2023
Date of Decision: 23.08.2022

RUPINDER SINGH @ PINDA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Akbarjit Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0073 dated 24.07.2014 (Annexure P-1) registered under Sections 21, 22, 29, 30-61-85 NDPS Act and Section 382 IPC at Police Station Lambra, Jalandhar.

2. The brief facts of the case are that secret information was received that Rupinder Singh alias Pinda (petitioner) son of Bakhshish Singh, Paramjit Singh @ Katal son of Balwinder Singh, Manpreet Singh son of Mohan Singh, Jaspreet Singh @ Kali son of Makhan Singh, Harpreet Singh @ Happy son of Santokh, Vicky Kumar @ Vicky and Amarjit Singh son of

CRM-M-39617-2023

-2-

Kirpal Singh were doing the business of selling smack, heroin and other intoxicating powders on a large-scale. For the said purpose, they were indulging in committing snatchings and in case they were captured, huge quantity of intoxicating substances could be recovered from their possession and various cases of snatching could also be traced out. Based on the said information, the instant FIR came to be registered.

On 25.07.2014, the petitioner was arrested and got recovered 120 grams of Dextropropoxyphene hydrochloride and on a disclosure statement got recovered 30 grams of Lorazepam.

Paramjit Singh alias Katal was arrested on 25.07.2016 and got recovered 60 grams of Lorazepam.

Amarjit Singh was arrested on 26.07.2014 and got recovered 80 grams of Lorazepam.

Vicky Kumar @ Vicky was arrested and got recovered 60 grams of Diphenoxylate hydrochloride.

Jaspreet Singh was arrested on 03.08.2014 and got recovered 30 grams of Nitrazepam.

Manpreet Singh who had been initially declared a proclaimed offender joined investigation but no recovery could be effected from him. Happy Singh @ Happy was found innocent during investigation and was placed in column No.2.

The report under Section 173 Cr.P.C. was presented against the accused. The petitioner jumped bail and was declared a proclaimed offender vide order dated 30.08.2018. The trial proceeded against the co-accused and while Manpreet Singh and Vicky Kumar alias Vicky were acquitted, Jaspreet

Singh alias Kali, Amarjit Singh and Paramjit Singh alias Katal came to be convicted and sentenced as under:-

Accused Jaspreet Singh @ Kali

Sr. No.	Offence Constable	U/Se	Sentence	Fine
1.	22(b) of NDPS Act		To undergo R.I. for six (6) months.	Rs.1000/-. In default of payment of fine, to further undergo R.I. for one (1) month.

Accused Amarjit Singh

Sr. No.	Offence Constable	U/Se	Sentence	Fine
1.	22(b) of NDPS Act		To undergo R.I. for six (6) months.	Rs.2000/-. In default of payment of fine, to further undergo R.I. for one (1) month.

Accused Paramjit Singh @ Kattal

Sr. No.	Offence Constable	U/Se	Sentence	Fine
1.	22(b) of NDPS Act		To undergo R.I. for six (6) months.	Rs.2000/-. In default of payment of fine, to further undergo R.I. for one (1) month.

Meanwhile, the petitioner was arrested on 06.04.2022 and is in custody ever since.

3. The learned counsel for the petitioner contends that though the petitioner remained an absconder for 05 years, as he was now in custody since 06.04.2022 and only 04 of the 21 prosecution witnesses had been examined so far, he was entitled to the concession of bail as the contraband recovered from him was less than the commercial quantity and therefore, the bar under Section 37 of the NDPS Act would not apply to him. Even otherwise, the

CRM-M-39617-2023

-4-

convicted co-accused had been sentenced only to 06 months imprisonment and the petitioner had undergone custody for more than that period.

4. On the other hand, the learned State counsel contends that the FIR was registered on 24.07.2014. The petitioner absconded and was declared a proclaimed offender in May, 2018. He remained an absconder for 05 years and came to be arrested only in April, 2022. The conduct of the petitioner did not entitle him to the grant of bail, even though, the recovery from him was of non-commercial quantity of contraband as there was every chance that he would abscond once again in case he is granted the concession of bail. Even otherwise, as a separate trial was being conducted against the petitioner, it was possible that on a conviction being recorded, he would be sentenced to imprisonment of more than 06 months. He further contends that appropriate directions be issued to the Trial Court to conclude the trial within a reasonable time-frame in the attending facts and circumstances of the case.

5. I have heard the learned counsel for the parties at length.

6. While there is no doubt that the recovery from the petitioner is of non-commercial quantity of contraband and his co-accused have been sentenced to 06 months imprisonment, the conduct of the petitioner cannot be condoned. The FIR pertains to July, 2014 and the petitioner absconded in May, 2018. He came to be arrested only in April 22, 2022. Therefore, there is every possibility that the petitioner would abscond from the trial once again in case, he is granted the concession of bail. Therefore, I do not deem it appropriate to release the petitioner on bail and hence, the present petition stands dismissed.

CRM-M-39617-2023

-5-

7. However, in view of the fact that the petitioner has been in custody since the last 01 year and 04 months and his co-accused have been sentenced to imprisonment of 06 months, the Trial Court is directed to conclude the trial as expeditiously as possible but in any case not later than three months from the next date fixed before it.

(JASJIT SINGH BEDI)
JUDGE

23.08.2022
JITESH

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