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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45980-2023
Date of decision: 20.09.2023

SUKHPAL SINGH @ BABBU

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.28 dated 06.03.2020, under Sections 22, 25 and 29 of the NDPS Act, registered at Police Station Dhanaula, District Barnala, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody from 06.03.2020, which is more than 3 years and 6 months and the trial of the case is not progressing and considering the long custody of the petitioner, he may be considered for grant of regular bail.
3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab, on instructions from ASI Avtar Singh, submitted that three prosecution witnesses have been examined and two witnesses have been given up by the prosecution

and during the time of trial, a supplementary challan was also presented and thereafter eight more witnesses have been cited as prosecution witnesses. He further submitted that it is a case where a secret information was received with regard to five persons including the petitioner that they have formed a gang for trading in intoxicant substances and on interception of their cars, 125000 tablets of Clovidol-100 SR were recovered from the car which the petitioner was driving and 175000 tablets of Clovidol-100 SR were recovered from the other car, which the other co-accused, namely, Avtar Singh was driving and in total 300000 tablets of Clovidol-100 SR were recovered by the police. He also submitted that it is a huge recovery from the accused persons including the petitioner and there is no ground with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act. He further submitted that the petitioner is a habitual offender and he is involved in two more cases although under the Excise Act.

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

5. It is a case where although the petitioner is in custody from 06.03.2020, which is more than 3 years and 6 months but this Court has to consider the prayer of the petitioner not only on the touchstone of Section 37 of the NDPS Act but also considering the recovered quantity on the basis of gravity and magnitude of the offence. The total recovered quantity from all the accused including the petitioner was 300000 tablets of Clovidol-100 SR and from the car which the petitioner was driving, there was recovery of 125000 tablets of Clovidol-100 SR. The petitioner is also stated to be involved in two more cases under the Excise Act.

6. In view of the aforesaid gravity and magnitude of the offence and also the fact that the petitioner has not been able to make out any case for making a departure from the bar contained under Section 37 of the NDPS Act, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner.

7. Consequently, the present petition is hereby dismissed.

8. However, since the custody of the petitioner is more than 3 years and 6 months, the learned trial Court is directed to expedite the trial.

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

20.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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