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

CRM-M-49581-2022
Date of Decision: 22.11.2023

Ruldu Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Arshdeep Kaur, Advocate,
for the petitioner

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.81 dated 23.06.2022, under Sections 22 & 29 of the NDPS Act, 1985 registered at Police Station Sadar Ahmedgarh, District Malerkotla (District Sangrur).

2. Ms. Arshdeep Kaur, Advocate has caused appearance and filed her Power of Attorney on behalf of the petitioner in Court today, which is taken on record and stated that she has instructions to appear on behalf of the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is in custody from 1 year and 5 months and only 2 out of 13 prosecution witnesses have been examined till date. She further submitted that as per the

allegation, the petitioner was apprehended by the Police and there was an alleged recovery of 400 tablets of *Buprenorphine* and also submitted that the petitioner has been falsely implicated in the present case and the trial of the case is going at slow pace, and therefore, the petitioner may be considered for grant of regular bail.

4. On the other hand, Mr. G.S. Sidhu, AAG, Punjab, submitted that so far as the custody of the petitioner is concerned, the same is correct and now 2 witnesses have already been examined. He further submitted that the recovery from the petitioner falls in the category of commercial quantity and rather more than double of the prescribed commercial quantity under the NDPS Act which is 20 grams of *Buprenorphine*, whereas the weight of the 400 tablets of *Buprenorphine* is 44.4 grams. He also submitted that as per the affidavit filed by the State, the petitioner is involved in as many as five more cases out of which three FIRs are pertaining to NDPS Act and two FIRs are pertaining to Excise Act, which are pending against the petitioner and there is an apprehension that in case the petitioner is released on bail then he may not only abscond from justice but may even repeat the offence and further submitted that there is no ground available with the petitioner for making a departure from the aforesaid bar contained under Section 37 of the NDPS Act.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner has faced incarceration for about 1 year and 5 months but two witnesses have already been examined as per learned counsel for the parties. The confiscated quantity from the petitioner is stated to be falling in the category of commercial quantity. The

petitioner is also stated to be involved in 5 more cases including 3 cases under the NDPS Act and 2 cases under the Excise Act and no ground has been made out by the learned counsel for the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act. Therefore, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, finding no merit in the present petition and the same is, hereby, dismissed.

8. 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 present petition.

22.11.2023

*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No