

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CRM-M-48334-2023

Date of decision: 16.11.2023

Vikrampal @ Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.26 dated 22.03.2023 under Sections 21(b), 27-a and 29 of the NDPS Act registered at Police Station Tibber, District Gurdaspur.

2. Short reply by way of affidavit of Sukhpal Singh, PPS, Deputy Superintendent of Police, City, District Gurdaspur, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Gaurav from whom a recovery of just 06 grams of heroin along with ₹10,000/- drug money was effected. He submits that evidentiary value of such disclosure statement is of a weak nature for which the benefit should go

to the petitioner. It has also been submitted that the petitioner was also made an accused in another case under the NDPS Act of even date. He submits that in the circumstances, it is clearly evident that the petitioner is being falsely framed in cases under the NDPS Act. It has also been submitted that the recoveries allegedly effected from the co-accused are non-commercial in nature and on this ground also, he deserves to be granted the concession of bail. It has still further been submitted that since similarly situated co-accused have been granted the concession of bail, he be also enlarged on bail.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner cannot claim parity with the co-accused who have since been extended the concession of bail as though they were involved in one more case under the NDPS Act, however, the recoveries effected from them in this case as well as the other case registered against them was of small quantity. He submits that the petitioner is a supplier of the contraband and had been supplying the same to the co-accused. It has also been submitted that though the recoveries effected from the co-accused did not fall in the commercial quantity, however, the petitioner was the kingpin as there are 03 other cases registered against him under the NDPS Act wherein also it had come to light that he was the supplier of the contraband which had been recovered from the various co-accused in those cases. Learned State counsel submits that in the circumstances, the prayer of the petitioner for being extended the concession of bail on grounds of parity deserves to be declined.

5. Learned State counsel, on further instructions, has informed the Court that after the petitioner was arrested on 26.04.2023, not only have the charges been framed but now the case is fixed for prosecution evidence for 05.12.2023 and thus, the trial shall not take much time to conclude.

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

7. No doubt, no recovery of any contraband was effected from the petitioner and whatever recoveries were allegedly effected were from the co-accused, however, this Court cannot turn a blind eye to the criminal antecedents of the petitioner as he is involved in 03 other cases under the NDPS Act wherein also he was nominated as an accused on the basis of alleged disclosure statements and furthermore, the co-accused had categorically stated in all those disclosure statements that the recovered contraband had been supplied to them by none other than the petitioner himself. In the circumstances, the petitioner prima facie comes across as a habitual offender and this Court, thus, does not deem it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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