

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-59705 of 2023

Date of Decision: 04.12.2023

Sandeep Singh @ Sunny @ Pad

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sanpreet Singh, Advocate and
Mr. Simerjeet Singh, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.35 dated 04.05.2022 registered under Sections 21/22/61/85 of the NDPS Act (Sections 27(a) & 29(a) of the NDPS Act added later on) at Police Station Verka, District Amritsar.

2. As per the case of the prosecution, the FIR in the present case was got registered by SI Surjit Singh. As per him, the police had set up a picket and Sandeep Singh @ Sunny @ Pad, petitioner/accused was apprehended on spot. From his possession, 6 grams of heroin, 210 intoxicant capsules of Parvodon Spas and currency notes of Rs. 2450/- were recovered. He was arrested on 04.05.2022 and since then he is custody.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly arrested in the present case, without following the due process of law. Learned counsel contends that the petitioner has been in custody in Central Jail at Amritsar since 04.05.2022, i.e., about 01 year and 05 months. He further contends that the police had allegedly recovered 06 grams of heroin and 210 capsules, which fall under the category of non commercial quantity. Learned counsel further contends that in the present case, from a perusal of the FSL report, it is apparent that the quantity of the contraband, is much less then what is alleged by the prosecution. Thus, the custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel submits that the petitioner is a habitual offender and was involved in following FIR':-

(i) *FIR No. 19/2022 under Sections 21, 22, 61 and 85 of NDPS Act, Police Station Verka.*

(ii) *FIR No. 49/2019 under Sections 21, 22, 61 and 85 of the NDPS Act, Police Station Verka*

(iii) *FIR No. 20/2020 under Sections 399 and 402 IPC and 25 of Arms Act, Police Station Verka*

(iv) *FIR No. 8/2018 under Sections 21, 22, 29, 61 and 85 of the NDPS Act, Police Station Verka*

(v) *FIR No. 381/2017 under Sections 21, 61 and 85 of the NDPS Act, PSA Division, Amritsar*

(vi) *FIR No. 403/2016 under Sections 22, 61 and 85 of the NDPS Act, 379, 379-B, 411 and 473 IPC P.S.A. Division, Amritsar*

(vii) *FIR No. 73/2021 under Sections 21, 22, 61 and 85 of NDPS Act, P.S.A. Division*

(viii) *FIR No. 312/2017, 379, 411 and 472 IPC, P.S.A. Division*

(ix) *FIR 269/2020 under Sections 339-B and 34 IPC, P.S. Kathu Nangal.*

Apart from that, the petitioner is a drug peddler and in case he is ordered to be released on bail, he shall again indulge in selling the drugs to the young people in Punjab.

5. I have heard learned counsel for the parties and perused the record.

6. No doubt, the petitioner was apprehended by the police and from his possession, 6 grams of heroin and 210 capsules of Parvodon Spas were recovered and the said recovery is “non-commercial” in nature, however, from the record, it is also apparent that the petitioner was involved in 09 cases as mentioned above, including 04 cases of NDPS Act. Thus, keeping in view the

gravity of the offence and the involvement of the petitioner in several criminal cases, the petitioner does not deserve the concession of bail.

7. In view of above, the petition is ordered to be dismissed.
8. Since, the petitioner is in custody since 04.05.2022, the trial Court is directed to conclude the trial proceedings at the earliest, preferably, within a period of six months from today.

04.12.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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