

**CRM-M-4393-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.212****Case No. : CRM-M-4393-2024****Date of Decision : July 29, 2024**

Tarsem Singh @ Sema Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr.Suresh Kumar Arya, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

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GURBIR SINGH, J. :

1. This petition is filed under Section 439 Cr.P.C. for regular bail in case FIR No.84 dated 18.06.2023 (Annexure P-1), under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act) (Section 29 of the NDPS Act added later on), registered at Police Station Sadar Dhuri, District Sangrur.

2. As per version of the prosecution, FIR in question was registered on the statement of ASI Balkar Singh, who stated that on 18.06.2023, at about 05:20 PM, he got secret information that Harjinder Singh @ Suraj, Rahul Uppal and Sonu were in the habit of selling chitta/heroin and on that day, they were going to Dhuri via Barnala, Kanjhla and Ladda in their car bearing registration No.HR-02-X-4005. So, nakabandi was done and on seeing the police party, driver of the said car tried to turn the car backward.



However, all the aforesaid three accused were apprehended along with their car and on search, a black colour polythene envelope was found lying near the gear of the car and a small transparent envelope was lying in it, from which 40 grams of heroin and 80 notes of Rs.500/- (Rs.40,000/-) were recovered.

3. Later, during interrogation of Harjinder Singh @ Suraj, name of the petitioner cropped up in his disclosure statement with the allegation that the petitioner used to purchase intoxicant powder from him for selling the same. He further detailed that on 17.06.2023, he came to Dhuri and the petitioner purchased 300 gram intoxicant powder from him. He was to be paid money after sale of the substance.

4. Petitioner was arrested. The petitioner also disclosed during interrogation that he used to purchase intoxicant powder from aforesaid Harjinder Singh @ Suraj. Even on 17.06.2023, he purchased 300 gram heroin, out of which, he and his wife gave 30 grams of heroin to Rekha Rani and Charanjit Kaur for selling the same. He further stated that he could get recovered the remaining heroin on demarcation, which he had kept in the corner of his house and 256 grams of heroin was recovered from the disclosed place.

5. Learned counsel for the petitioner has argued that the petitioner is not named in the FIR. He has been implicated on the basis of disclosure statement. The petitioner is not concerned with the alleged recovery of 256 grams and the same has been planted on him. Moreover, the quantity recovered is marginally above than the commercial quantity and therefore,



the petitioner is entitled for regular bail. It has further been contended that the petitioner was arrested on 20.06.2023. Investigation is complete. The challan in the present case has already been filed on 12.12.2023 and the prosecution has cited as many as 25 witnesses. So, the trial of the case would take a long time to conclude. Keeping in view all the aforesaid facts, the petitioner be released on regular bail.

6. Latest Custody Certificate of the petitioner has been filed in Court today by learned State counsel, which is ordered to be taken on record.

7. Controverting the arguments advanced by learned counsel for the petitioner, learned State counsel has opposed the present petition, submitting that though the petitioner was not named in the FIR and has been arrested on the basis of disclosure statement suffered by co-accused but he himself got recovered, as per disclosure statement from disclosed place, 256 grams of intoxicant powder, which was a commercial quantity. Petitioner is involved in many cases and is a previous convict. However, he has fairly admitted that the petitioner is behind bars since 21.06.2023 and challan has already been presented before the learned Trial Court.

8. I have heard the arguments raised by learned counsel for the petitioner and learned State counsel and have also perused the paper book.

9. As per Custody Certificate, petitioner was convicted under Section 22(c) of NDPS Act on 05.04.2016. He was also convicted under Section 174-A IPC on 22.08.2012. Petitioner is also involved in three other cases under the NDPS Act and he is facing trial in the said cases. Keeping in view that the petitioner is previous convict, pendency of other cases of similar

nature against him, the gravity of offence, nature of crime and its adverse effect on the society, I do not find it to be a fit case for grant of regular bail, at this stage. The present petition is without any merit and is accordingly dismissed.

10. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

11. Pending applications, if any, shall stand disposed of along with this judgment.

July 29, 2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.