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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

301

CRM-M-6379-2024 (O&M)
Date of decision: 08.07.2024

Dharamjit Singh @ Bawan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jagjit Singh, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 51 dated 25.11.2022, registered under Sections 15 and 29 of the NDPS Act, 1985 at Police Station Fatehgarh Panjtoor, District Moga.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.11.2022, ASI Ashok Kumar, who was on patrol duty along with other police official, received a secret information that petitioner Dharamjit Singh @ Bawan, Ajaib Singh and Jand Singh used to sell poppy husk and they are coming in a vehicle make Scorpio bearing registration number HR-26-BW-8290 with poppy husk and if a barricading is laid, they can be apprehended and heavy quantity of the contraband can be recovered from them. Believing the information to be true, a *ruqa* was sent to the police station in this regard for registration of the FIR. After registration of

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the FIR, ASI Santokh Singh reached at the spot and a barrier was laid. One vehicle was seen coming from the side of village Daulewala Mayer, who on seeing the police party, became perplexed and rammed the vehicle into a tree. Three persons were found present in the vehicle. The driver of the vehicle was apprehend, whereas two persons succeeded in fleeing from the spot. The driver disclosed his name as 'Dharamjit Singh @ Bawan', who is the present petitioner. Thereafter, while following the usual formalities as prescribed under the Act, 12 bags of pods of poppy plants/poppy head, containing 20 kgs. each, were recovered from the petitioner in the presence of DSP (Detective), Moga. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 24.02.2023.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner is in judicial custody since 24.11.2022. The contraband allegedly recovered from the aforesaid vehicle was planted by the police officials. In fact, on the fateful day, the petitioner was coming back after dropping the passengers at village Daulewal Mayer and he was chased by another vehicle occupied by two persons. In that process, he rammed his vehicle into a tree and then the aforesaid two persons came to him and disclosed that they were police officials. The search of the vehicle was conducted and nothing was found therein. However, the police officials planted the contraband into his vehicle in order

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to falsely implicate him. The said vehicle is not registered in the name of the petitioner. Only three prosecution witnesses have been examined so far. The trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. *Per contra*, learned State counsel, on the basis of the status report, has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. He is involved in three other cases under the NDPS Act and is a drug peddler and he is not only indulged in trafficking the drugs in and around the area of Moga but he was apprehended by the Madhya Pradesh Police as well in a similar case. The trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. On a perusal of the record, it reveals that the petitioner is in custody since 24.11.2024. The alleged recovery effected from the petitioner was of commercial quantity. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion

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that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>