

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10351-2024 (O&M)
Date of Decision: 05.03.2024

Kuldeep Singh @ Kaka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balwinder Singh,, Advocate for
Mr. Prateek Pandit, for the petitioner.

Mr. Rahit Ahuja, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.129 dated 27.11.2022, under Sections 22 and 29 NDPS Act, registered at Police Station Sadar Kapurthala. District Kapurthala.
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for 1 year and 3 months and the alleged recovery from the petitioner was 120 grams of Alprazolam which although falls in the commercial quantity under the NDPS Act but considering the custody of the petitioner, he may be considered for the grant of regular bail.
3. On the other hand, Mr. Rohit Ahuja, learned DAG, Punjab has submitted that the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act and the petitioner is a habitual offender and he is involved in as many as six more cases and the details of the same are as

under:-

- (i)

FIR No.93 dated 21.06.2016, U/s 363, 366-a and 376 IPC, P.S. Sultanpur Lodhi.
- (ii)

FIR No.65 dated 10.06.2017, U/s 399/402 IPC, Sections 25/54/59 of Arms Act and Sections 22/61/85 of NDPS Act, P.S Talwandi Chaudhrian.
- (iii)

FIR No.151 dated 04.06.2017, U/s 379-B IPC, P.S. Sultanpur Lodhi.
- (iv)

FIR No.430 dated 01.12.2022, U/s 21/29/61/85 of NDPS Act, P.S. Kotwali Kapurthala.
- (v)

FIR No.234 dated 29.07.2020, U/s 307, 324, 506 and 34 IPC, P.S Sultanpur Lodhi.
- (vi)

FIR No.67 dated 26.03.2019, U/s 307, 353, 186, 34 IPC and Section 25 of Arms Act, P.S Dehlon.

4.

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

The petitioner is in custody for 1 year and 3 months and the alleged recovery from the petitioner falls in the category of commercial quantity under the NDPS Act. As per learned State counsel, the petitioner is involved in as many as six cases as stated above. No ground is made out for making a departure from the bar contained under Section 37 of the NDPS Act.
6.

Consequently, the present petition is hereby dismissed.
7.

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.

05.03.2024

(JASGURPREET SINGH PURI)

rakesh

JUDGE

1. Whether speaking/reasoned

Yes/No
2. Whether reportable:

Yes/No