

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:047458

CRM-M-12776-2024

Date of decision: April 8th, 2024

Tarun Sidhu alias Tanu Sidhu

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.304 dated 26.11.2022 under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Special Task Force, STF Wing, Ludhiana.

2. The previous petition was dismissed as recently as on 19.01.2024.

3. Learned counsel for the petitioner submits that the petitioner is a young man of 19½ years of age, who has been falsely implicated in the instant case; rather there was some documentary evidence on record in the shape of CCTV footage, wherein the petitioner could be seen in the company of the police officials serving them liquor and eatables at the time when the petitioner was allegedly nabbed in the present case. Learned counsel has also submitted that the petitioner is a secret informer of the police and it was on account of some strained relations/animosity with the police, the present case had been planted upon him. Learned counsel has thus prayed for enlarging

the petitioner on bail as there is no likelihood of the trial concluding in the near future as after the charges were framed on 09.10.2023, none of the prosecution witnesses had been examined till date.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking; the petitioner was then apprehended at the spot after the due compliance of all the mandatory provisions of the NDPS Act. A huge recovery of 365 grams of heroin was then affected from the conscious possession of the petitioner, which has been classified as commercial under the NDPS Act. Learned State counsel has also filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. Learned State counsel has submitted that a perusal of the custody certificate makes it abundantly clear that the petitioner is a habitual offender as he has been facing trial in cases registered under the NDPS Act. Learned State counsel has still further submitted that the next date fixed before the trial Court is 15.05.2025 when the prosecution evidence is likely to commence. A vehement prayer has been made for dismissal of the instant petition in view of the huge recovery of contraband effected from the conscious possession, coupled with the criminal antecedents of the petitioner.

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

6. *Prima facie*, the petitioner does indeed come across as a habitual offender. The contention of the learned counsel for the petitioner that at the relevant date and time when he was allegedly nabbed by the police along with the alleged recovery of 365 grams of

heroin, he was in fact with the police officials in a Police Station, cannot be delved into at this stage as the same would be a matter of trial and would be appreciated by the learned trial Court when the parties lead their respective evidence.

7. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.

8. 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.

April 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No