

206
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14311-2024(O&M)

Date of Decision: 01.04.2024

Dilbagh Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhawesh Aggarwal, Advocate, for
Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.52 dated 29.04.2018, under Section 21 of NDPS Act, registered at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for about six months and no witness has been examined till date. He submitted that even otherwise the alleged recovery from the petitioner was 365 grams of heroin which is little higher than the commercial quantity and considering the custody of the petitioner, he may be considered for grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, learned AAG, Punjab has submitted that it is a case where the FIR is of the year 2018 and earlier the petitioner was granted interim bail till 30.11.2018 by this Court

in CRM-M-38652-2018 on 11.09.2018 but he absented himself from the Court and his bail order was cancelled on 11.12.2019. Thereafter, the petitioner was declared as a proclaimed person on 05.12.2023. However, after he was declared as a proclaimed person, he surrendered on 31.01.2024 and since then he is in custody. He submitted that the total custody of the petitioner is about six months and because of his absence and being a proclaimed person, the trial could not progress and that is why the prosecution witnesses could not be examined. He also submitted that the petitioner is involved in two more case of similar nature and in the present case, there was a recovery of 365 grams of heroin from the petitioner which falls in the category of commercial quantity under the NDPS Act and there is no ground available with the petitioner to make a departure from the bar contained under Section 37 of the NDPS Act and has prayed for dismissal of the present petition.

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

5. It is a case where the petitioner is in custody for about six months and earlier when he was granted interim bail, the same was cancelled as he did not appear before the Court and ultimately, he was declared as a proclaimed person. The alleged recovery from the petitioner is 365 grams of heroin which falls in the category of commercial quantity under the NDPS Act. Learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act. The petitioner is stated to be involved in two more cases under the NDPS Act.

6. In view of the aforesaid facts and circumstances, this Court

7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.04.2024	(JASGURPREET SINGH PURI)
<i>rakesh</i>	JUDGE
Whether speaking	: Yes/No
Whether reportable	: Yes/No