



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

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CRM-M-17800-2024
Date of decision: May 07, 2024

RAJWANT SINGH
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Narinder Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.132 dated 13.06.2017 (Annexure P-1) under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Patran, District Patiala.
2. Learned counsel for the petitioner submits that a false recovery has been planted upon the petitioner in the FIR in question. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has submitted that allegedly a recovery of 15 gms of smack along 1 gm 590 mgs of heroin was effected from the petitioner and co-accused while they were travelling together in an auto-rickshaw. Learned counsel submits that the quantity of alleged recovery effected from the petitioner i.e. 1 gm 590 mgs of heroin has been classified as 'small' under the NDPS Act. Learned counsel has further submitted that after he was challaned in the instant case, he did abscond and was declared a proclaimed

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offender (PO) on 28.11.2023, however, it is a matter of record that during the time when he absconded, he was not involved in any other criminal case, much less a case under the NDPS Act.

3. Learned State counsel has filed status report by way of an affidavit of the Deputy Superintendent of Police, Sub Division Patran, District Patiala on behalf of the respondent-State in the Court today, which is taken on record subject to just exceptions. While opposing the prayer and submissions made by the counsel opposite, learned State counsel has not disputed that the alleged recovery effected from the petitioner and the co-accused has been classified as 'small' under the NDPS Act, however, it has been submitted that it was pursuant to a secret information that all the three accused including the present petitioner were apprehended while they were travelling together in an auto-rickshaw. Learned State counsel has submitted that after the petitioner was bailed out in the present case, he had been again involved in another case under the NDPS Act and had also been declared a proclaimed offender (PO).

4. Learned State counsel, on further instructions, has informed the Court that prior to the registration of the FIR in question, the petitioner had been involved in one other case under the NDPS Act and the present case was registered against him while he was on bail in the previous FIR under the NDPS Act, which was registered on 13.06.2017. Learned State counsel, on still further instructions, has informed the Court that the trial is nearing conclusion and fixed for final orders, which fact has not been disputed by the learned counsel for the petitioner.

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



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6. In the facts and circumstances as enumerated hereinabove, no ground is made out to extend the concession of bail to the petitioner as the trial would not take much time to conclude.
7. The 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.

May 07, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No