



CRM-M-19319-2024

-1-

230 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19319-2024
Decided on : 23.10.2024

Ranjit Singh @ Hawa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.177 dated 24.09.2023 under Section 21(c) of NDPS Act (Section 29 of NDPS Act, 1985 added later on) registered at Police Station Lopoke District Amritsar.

2. Learned counsel for the petitioner submits that on the face of it, it is a case of false implication. Learned counsel submits that there was non-compliance of the mandatory provisions of the NDPS Act as the search of the petitioner was not carried out by a Gazetted Officer but by the police officials, who were part of the police party, which allegedly apprehended him with 254 grams of heroin. It has been further submitted that the trial has been proceeding at a considerable slow pace as after the challan was presented on 18.03.2024 and charges were framed on 06.08.2024, however, till date none of the prosecution witnesses had



been examined. Hence, in the aforementioned facts and circumstances, there is no likelihood of the trial concluding in the near future. It has been further submitted that the petitioner's false implication is also evident from the fact that all the documents, which were allegedly prepared by the police, already had the details of the FIR in question.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has submitted that it was on the basis of suspicion the petitioner was apprehended by the police and thereafter, a recovery of 254 grams of heroin (commercial quantity) was made from the personal search of the petitioner. Furthermore, the offer was given to the petitioner in compliance of the mandatory provisions of the NDPS Act for getting his search carried out by a Gazetted Officer, however, he declined the said offer and consented to get himself searched from the Investigating Officer namely Sukhpal Singh, Sub Inspector. Learned State counsel has further submitted that since it is a case of chance recovery, it would be considered substantial compliance of mandatory provisions of NDPS Act. It has also been brought to the notice of this Court that charges were framed as recently as on 06.08.2024 and the next date of hearing fixed before the trial Court is 06.11.2024 when there is all likelihood that some of the prosecution witnesses would put in appearance and their evidence would be recorded. Hence, the trial is proceeding at a good pace and there is every likelihood that it would not take much time to conclude.

4. Learned State counsel, on further instructions, submits that the petitioner has previous criminal antecedents and had been



CRM-M-19319-2024

-3-

apprehended on the spot in the present case while he was on bail in other cases, which already stood registered against him. Hence, on the said score also, the petitioner does not deserve the concession of bail as evidently, he has misused the concession of bail granted to him in other cases.

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

6. Prima facie, the petitioner does come across as a habitual offender; in the present case also, the recovery alleged to have been made from the petitioner has been classified as commercial under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular 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.

23.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No