



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18991-2024
Date of decision: May 21, 2024

HIRA SINGH
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Bawa, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Ranjit 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.171 dated 19.06.2023 (Annexure P-1) under Sections 21-B and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF, District SAS Nagar (Mohali).
2. Learned counsel for the petitioner submits that a false and fabricated recovery of 160 grams of heroin has been planted upon the petitioner, which falls within the intermediary quantity under the NDPS Act. It has been submitted that since investigation in the case in hand is complete and charges also stand framed, further incarceration of the petitioner would serve no useful purpose as only 1 witness out of the 11 cited by the prosecution has been examined till date. Learned counsel has also brought to the notice of this Court that co-accused Balwinder Kaur, sister of the petitioner has already been granted the concession of bail.
3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a specific secret information had been received *qua* the involvement of the petitioner in drug trafficking; pursuant to the secret information received, the house of the petitioner was raided, leading to the recovery of 160 grams of



heroin from beneath a mattress. Learned State counsel has submitted that the petitioner cannot claim parity with co-accused Balwinder Kaur as she was not involved in any other criminal case, whereas the petitioner is involved in two other cases under the NDPS Act, which is evident from the custody certificate placed on record in the Court today. It has also been submitted, on instructions, that the petitioner had evidently misused the concession of bail, which had been granted to him in the other two cases registered against him, when the recovery in the present case was effected. Learned State counsel submits that there is every likelihood that the petitioner could yet again be involved in some other case under the NDPS Act, in case he has extended the concession of bail.

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

5. No doubt, the recovery effected from the petitioner is not classified as ‘commercial’ under the NDPS Act, however, *prima facie*, the petitioner does come across as a habitual offender as it is a matter of record that this is the third case registered against him under the NDPS Act, and that too, pursuant to a specific secret information received. Learned State counsel, on instructions, has apprised the Court that while effecting the recovered contraband, all the mandatory provisions of the NDPS Act had been complied with.

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

7. 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.

May 21, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No