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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24955-2024
Date of decision: 09.09.2024

VIJAY KUMAR @ VICKY

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

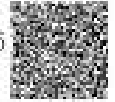
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.70 dated 15.06.2020, under Sections 21, 27-A, 29 of the NDPS Act and Section 42 of the Prisons Act, registered at Police Station STF, SAS Nagar, Mohali, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years, 3 months and 28 days and only three prosecution witnesses have been examined till date. He further submitted that earlier also the petitioner had filed a regular bail petition before this Court, which was dismissed on merits on 06.12.2023 vide Annexure P-8 and it is a case where as per the allegations, the petitioner was instrumental in getting *heroin* trade

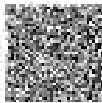


carried on and there has been a recovery of 277 grams of *heroin* from the house of the petitioner. He also submitted that one of the co-accused, namely, Rupa, who has also been arraigned as an accused, is not the wife of the petitioner and the petitioner has been falsely implicated in the present case.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has filed a status report by way of affidavit of Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar in the Court today and the same is taken on record. He submitted that the petitioner was using a mobile phone inside the jail and recovery of the said mobile phone was made from him and with that mobile phone he was conducting the *heroin* trade business and he is involved in as many as seven more cases under the NDPS Act and he is also convicted in one case under the NDPS Act. He further submitted that after detection of the aforesaid mobile phone, two employees of the jail including the Jail Warden and Constable, namely, Kuldeep Singh have also been arraigned as accused in the present case. He also submitted that considering the aforesaid gravity of the offence and the fact that the petitioner was indulged in the *heroin* trade business while he was in jail and was also using mobile phone in jail, he does not deserve the concession of regular bail.

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

5. Earlier also the petitioner had filed a regular bail petition before this Court and the same was dismissed on merits vide Annexure P-8 as aforesaid. Today both the learned counsels for the parties have submitted that the petitioner is in custody for 2 years, 3 months and 28 days. However, as per the allegations, the petitioner has been doing *heroin* trade business and there has



been a recovery of 277 grams of *heroin* from the house of the petitioner. A mobile phone was also recovered from the petitioner while he was inside the jail and pursuant thereto, two employees of the jail as aforesaid have also been arraigned as accused in the present case as per the learned State counsel. It is also stated by the learned State counsel that the petitioner is also a previous convict under the NDPS Act and is involved in seven more cases under the NDPS Act. The aforesaid recovery of 277 grams of *heroin* also falls in the category of commercial quantity.

6. Therefore, this Court is of the view that considering the gravity and seriousness of the offence, the petitioner does not deserve the concession of regular bail.

7. Consequently, the present petition is hereby dismissed.

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

09.09.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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