



CRM-M-25557-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279

CRM-M-25557-2024

Date of decision: 6th November, 2024

Sachinpreet Singh @ Sachin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 147 dated 17.10.2023 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Jhabal, District Tarn Taran.

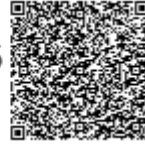
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on receiving a secret information to the effect that the petitioner and co-accused Vishal Singh and Sunny Singh, in connivance with each other, are indulging in smuggling of heroin and illegal weapons at large scale. Believing the information to be true, a barrier was laid and the petitioner along with aforesaid two accused who were coming on a motorcycle, bearing registration No. PB46-AH-1542, were apprehended and recovery of 273 grams of Heroin, one pistol of .32 bore along with two live



cartridges of .32 bore were effected from them. They were formally arrested at the spot. Challan stands presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the Additional Sessions Jdudge, Tarn Taran which was dismissed vide order dated 29.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Petitioner was the pillion rider of the motorcycle from which alleged recovery was effected. Neither any contraband have been recovered from the conscious possession of the petitioner nor he is stated to be owner of the said motorcycle. He is not involved in any other case. It is also argued that the mandatory provisions of Section 50 of the Act were not complied with. Even otherwise, the quantity of recovered contraband is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented. The trial is likely to take a long time. He is in custody since 17.10.2023. No useful purpose would be served by keeping him in custody. Learned counsel for the petitioner has relied upon certain orders passed by Co-ordinate Benches of this Court, wherein accused were granted benefit of bail as the recovered contraband is marginally higher than the commercial quantity. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is stated therein and argued by learned State counsel that the petitioner along with co-



accused were apprehended by the police party on 17.10.2023. 273 grams of heroin, one pistol .32 bore along with two live cartridges of 32 bore were recovered from them. Trial is going at a proper pace. There are chances of petitioner's absconding or indulging in similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner was apprehended by the police party on 17.10.2023 along with aforesaid co-accused and recovery of 273 grams of heroin, one pistol of .32 bore along with two live cartridges of .32 bore was effected from them. Since the quantity of recovered contraband falls under the commercial quantity, hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if released on bail, cannot be stated to be unfounded. So far as the orders as relied upon by the petitioner are concerned, it is well settled proposition of law that the orders of bail are not necessarily orders of any precedent value. Reliance in this regard can be placed upon the authority cited as ***Gajanand Agarwal vs. State of Orrisa and others : 2006(4) R.C.R.(Criminal) 311***. Therefore, keeping in view the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be



granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th November, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |