



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

226

CRM-M-28603-2024

Date of decision: 01.07.2024

Laadi Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Puri, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.144 dated 17.10.2022 under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sujampur, District Pathankot. The previous petition filed under Section 439 of the Cr.P.C. seeking similar relief had been dismissed as withdrawn on 04.01.2024.

2. On a pointed query put to the learned counsel for the petitioner as to what is the material change in circumstances which would warrant entertaining the present petition after the withdrawal of the previous petition on 04.01.2024, he has submitted that the trial has not yet concluded as only 02 prosecution witnesses out of the 11 cited have been examined till date coupled with the fact that he has been in custody since 17.10.2022.



3. On merits, learned counsel for the petitioner submits that the petitioner being innocent is evident from the fact that there has been non-compliance of the provisions of Sections 42 and 52A of the NDPS Act; the alleged secret information qua the involvement of the petitioner was not reduced into writing which fact was not disputed by the investigating officer while deposing before the learned Trial Court as PW-2. Learned counsel has still further argued that the alleged recovery of 265 grams of heroin was only slightly above the threshold for commercial quantity under the NDPS Act and considering that the contraband was weighed with the plastic bag, it is likely that the actual amount of heroin was below 250 gms.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Navdeep Sharma, has submitted that specific secret information was received of the involvement of the petitioner and the co-accused in drug trafficking. Following this, the petitioner and the co-accused were apprehended, and a recovery of 265 grams of heroin (commercial quantity) was recovered from their conscious possession. Learned State counsel has submitted that the investigating officer had very little time to document the information as the interception occurred within 20 minutes of receiving the secret information; learned state counsel has also pointed out that the investigating officer immediately relayed the secret information to the police station via his mobile phone. Given the time constraints, any partial compliance with the provisions of Section 42 of the NDPS Act



should not be held against the police. Learned State counsel has further argued that the contraband was recovered from a polythene envelope that, at most, could weigh not more than 10 grams. Additionally, the petitioner is involved in two other criminal cases as is indicated in his custody certificate which has been placed on record today before this Court; pertinently, the petitioner was on bail in those cases when he committed the crime in question. Therefore, granting bail in the present case could result in the petitioner engaging in further criminal activity. It has also been submitted that since prosecution evidence is underway, there was every likelihood of the remaining 08 prosecution witnesses being examined in the near future.

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

6. The petitioner was specifically named in the secret information, which led to the recovery of 265 grams of heroin (commercial quantity) from his possession. The petitioner has a criminal history as is evident from his custody certificate; the petitioner apparently misused the bail granted to him in those cases. Since the petitioner's arrest along with the co-accused on 17.10.2022, the trial has been progressing at a reasonable pace. Learned counsel for the petitioner's argument regarding non-compliance with the mandatory provisions of the NDPS Act is a matter for the learned Trial Court to appreciate. This Court will refrain from delving into the said issue at this stage. However, the learned Trial Court would make earnest efforts to expedite and conclude the trial, preferably within the next 04 months.

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 is hereby 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.

01.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No