



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-31082-2024 (O&M)
Date of decision: 13.08.2024

Jatinder Singh alias BillaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tushar Madaan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0087 dated 15.09.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Garhdiwal, District Hoshiarpur.
2. Learned counsel for the petitioner asserts that he has been falsely implicated in the present case and has been in custody since 15.09.2023. With the investigation now concluded, the challan presented and charges framed, learned counsel contends that his further incarceration would serve no useful purpose.
3. It has been further argued by the learned counsel for the petitioner that the fabrication of the present case against the petitioner is evident from the fact that no independent witness was joined when the police raided the house of co-accused Talwinder Singh, and also the



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failure of the police to adhere to the mandatory provisions of the NDPS Act.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has argued that the police received a tip-off about co-accused Talwinder Singh, selling contraband from his house. Acting on this information, the police immediately raided the said house and found both co-accused Talwinder Singh along with the petitioner inside the premises. During the search, 200 grams of intoxicant powder (heroin) and 14 vials of Buprenorphine were recovered from co-accused Talwinder Singh, while 13 vials of Buprenorphine injections and an additional 110 grams of intoxicant powder (heroin) were seized from the petitioner. In total, 310 grams of heroin and 27 vials of Buprenorphine injections were recovered, constituting commercial quantity under the NDPS Act. It has been vehemently argued by the learned State counsel that there was no motive for the police to fabricate such a huge recovery against the petitioner and the co-accused. Additionally, learned State counsel has pointed out on instructions that the trial is progressing at reasonable pace, and is likely conclude without any undue delay. A prayer has, therefore, been made for dismissal of the instant petition in view of the huge recovery effected and the drug menace which has spread like termites in this part of the country.

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

6. A secret information was received qua the involvement of



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the co-accused in the sale of heroin. On reaching the house of co-accused Talwinder Singh, the petitioner was also found present along with a significant amount of heroin and Buprenorphine injections. The contention of the counsel that the petitioner has been falsely implicated in the instant case would be a matter of trial and cannot be delved into at this stage and would be seen during trial. The trial, as also informed by the learned State counsel is proceeding at a reasonably good pace and in all likelihood would be concluding in the near future. In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner, moreso, in view of the bar created under Section 37 of the NDPS Act. Accordingly, the instant petition is hereby dismissed.

7. Pending applications, if any, stand disposed of.

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.

13.08.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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