



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-30223-2023
Date of decision: August 12th, 2024

Bhupinder Singh @ Bhinda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.102 dated 13.11.2021 under Sections 22(c), 61 of the NDPS Act, 1985, registered at Police Station Sadar Abohar, District Fazilka.

2. Vide order dated 01.08.2023, the petitioner was released on interim bail in the following terms:-

“In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

3. Learned counsel for the petitioner submits that he has been falsely implicated by the police in the present case. Learned counsel submits that 19500 tablets of tramadol hydrochloride were planted upon him by the police. He further contends that he is entitled to bail on the ground of parity, as an identically placed accused Vikramjeet Singh alias Vicky, was granted bail by a coordinate Bench on 16.05.2023.

It has also been asserted by the learned counsel for the petitioner that after he was granted interim bail on 01.08.2023, he neither misused the concession nor violated any conditions of the interim bail. Moreover, it has been argued that the petitioner has been in custody since 13.11.2021 and despite the passage of time, only two out of the 11 witnesses cited by the prosecution have been examined, hence, the trial is likely to take a considerable amount of time to conclude. A prayer has, therefore, been made to make the order dated 01.08.2023 absolute.

4. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel for the petitioner. It has been submitted that both, the petitioner and co-accused Vikramjeet Singh alias Vikcy were apprehended at the spot, and a huge quantity of 19500 tablets were then recovered from them after due compliance of all the mandatory provisions of the NDPS Act, far exceeding the commercial quantity as categorized under the NDPS Act. The learned State counsel has further argued that the petitioner cannot claim parity with co-accused Vikramjeet Singh alias Vicky as the petitioner has criminal antecedents, being involved in four other criminal cases including those under the NDPS Act, whereas accused Vikramjeet Singh alias Vicky had no prior involvement in any other criminal case. It has also been submitted that no doubt the petitioner was taken into custody on 13.11.2021, however, it is also a matter of record that he was released on interim bail on the 01.08.2023 and hence, his custody period must exclude the one year time when he was granted the concession of interim bail.

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

6. It is evident that there are serious allegations against the petitioner, who was apprehended by the police on suspicion, leading to a huge recovery of 19500 tablets of tramadol hydrochloride. *Prima facie*, the petitioner appears to be a habitual offender, making his case clearly distinguishable from that of co-accused Vikramjeet Singh. In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner.
7. The instant petition stands dismissed.
8. Since the FIR in question was registered way back on 13.11.2021, the learned trial Court is directed to expedite the trial and conclude it at the earliest. It would be expected of both, the prosecution as well as the defence to cooperate in the expeditious conclusion of the trial.
9. 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.

August 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No