

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-32353-2022

Date of decision: 09.02.2024

Guriqbal Singh @ Honey

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aruz Khan Advocate for
Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., 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.13 dated 13.01.2021 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Lalru, District SAS Nagar.

2. In compliance of order dated 05.12.2023, affidavit of Dr. Sandeep Kumar Garg, IPS, Senior Superintendent of Police, SAS Nagar (Mohali), District SAS Nagar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for being found in possession of 3000 tablets of LOMOTIL. Learned counsel submits that even though the alleged recovery was effected on

13.01.2021 i.e. the day when he was arrested also, however, till date trial had not concluded and hence, on this ground alone the petitioner deserves to be enlarged on bail. Learned counsel has also submitted that as per the prosecution version, he was arrested on 13.01.2021, however, it was factually incorrect as the petitioner was arrested a day prior to the alleged recovery which also indicated that a false recovery had been planted upon him.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has informed the Court that a specific secret information had been received qua the involvement of the petitioner in the crime in question and it was pursuant thereto, after compliance of all the mandatory provisions of the NDPS Act, the petitioner was nabbed by a police party and a huge recovery of 3000 tablets of LOMOTIL was effected from him; the total weight of the recovered contraband was 190 grams which was much higher than the minimum classified as commercial i.e. 50 grams under the NDPS Act. It has also been brought to the notice of this Court that the petitioner has criminal antecedents as on a previous occasion he had been convicted in a case under the NDPS Act. Learned State counsel on further instructions has informed the Court that the trial is nearing completion as the prosecution evidence stands recorded and the next date fixed before the Trial Court is 11.03.2023 when statement of the petitioner accused is due to be recorded under Section 313 of the Cr.P.C.

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

6. In view of the instructions received by the learned State counsel qua the stage of trial coupled with the huge recovery effected from the petitioner, this Court does not deem it fit to extend the concession of bail to him.

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.

09.02.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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