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

CRM-M-34354-2024

Date of Decision: July 25, 2024

RAKESH KUMAR ALIAS KAKU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. PKS Phoolka, Advocate for the petitioner .

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of this second petition, filed under Section 439 CrPC, prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.116 dated 22.06.2023 registered under Sections 21 (C) & 29 of NDPS and Section 25 of Arms Act, 1959 at P.S. Talwandi Sabo, District Bathinda wherein the petitioner has been implicated with the alleged recovery of 350 grams of heroin.

2. Learned counsel for the petitioner submits that in the present case, the petitioner was never apprehended on the spot, but was implicated on the basis of disclosure statement made by Sukhdev Singh alias Sona, who in turn was implicated on the disclosure made by Jagdeep Singh alias Jaggu and Gurpreet Singh alias Pita from whom the recovery of 350 grams of heroin was effected. Learned counsel thus, submits that evidentiary value of the disclosure made by co-accused Sukhdev Singh alias Sona was to be dealt with during trial and

at this stage, considering the fact that the petitioner is behind the bars for the last almost 1 year and 7 months and the trial is likely to take some time, he deserves the concession of regular bail. He also submits that the co-accused namely Jagdeep Singh @ Jaggu and Gurpreet Singh @ Pita from whom the recovery was effected have already been released on bail by the trial Court itself. No other argument has been addressed.

3. Learned State counsel vehemently opposes the prayer made in the petition while referring to the antecedents of the petitioner who is stated to be involved in three more cases under NDPS Act besides number of cases involving the provisions of Indian Penal Code.

4. I have heard learned counsel for the parties and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

5. No doubt, the petitioner in the present case has been implicated on the basis of disclosure statement made by one Sukhdev Singh alias Sona, however, considering his past antecedents wherein, the petitioner is stated to be involved in many other cases involving the provisions of NDPS Act as well as IPC, including the Arms Act, in the humble opinion of this Court, the petitioner does not deserve the concession of bail merely for the reasons that the co-accused from whom the recovery has been effected has already been granted concession of regular bail. Details of the other cases registered against the petitioner are given hereunder:-

S. No	FIR No.	U/s	P.S.	Status
1.	50 dated 22.05.2018	307/34 of IPC and 25/27/54/59 of Arms Act	Bajakhana, Faridkot	On bail
2.	61 dated 30.05.2018	392/120B/34 of IPC and 25/54/59 of Arms Act	Civil Lines,	On Bail
3.	47 dated 27.02.2018	392 of IPC and 25/54/59 of Arms Act	Patran	Not on Bail
4.	130 dated 04.05.2018	379-B, 324, 34 of IPC	City Rajpura	Not on bail
5.	42 dated 23.05.2020	21/29/61/85 of NDPS Act	S.G.N. Dev TRML Plant	On bail
6.	138 dated 08.11.2019	52-A of Prison Act	Cantt Bathinda	On bail
7.	20 dated 16.01.2022	52-A of Prison Act and 21/61/85 of NDPS Act	City Ferozepur	On Bail
8.	63 dated 29.05.2023	25/54/59 of Arms Act	S.G.N. DevTRML Plant	On bail
9.	108 dated 28.11.2022	21-B, 29, 61, 85 of NDPS Act	S.G.N. DevTRML Plant	On Bail
10.	05 dated 12.01.2021	52-A Prison Act	Cantt Bathinda	On bail
11.	30 dated 10.05.2024	21 B, 21 and 29 of NDPS Act	S.G.N. DevTRML Plant	On Bail
12.	164 dated 01.04.2024	52-A of Prison Act	City, Ferozepur	Not on Bail
13.	101 dated 08.06.2018	22/61/85 of NDPS Act and 25/54/59 of Arms Act	Baghapura	Convicted
14.	34 dated 05.03.2018	382/379-B/34 IPC	Morinda	Acquitted
15.	113 dated 21.11.2017	307, 341, 148, 149 of IPC and 25 of Arms Act	S.G.N. DevTRML Plant	Acquitted
16.	12 dated 18.04.2018	379-B of IPC	Qadian	Acquitted/ Discharged not released
17.	183 dated 19.09.2017	382/323/34 of IPC and 25/54/59 of Arms Act	Urban Estate, Patiala	Acquitted/ Discharged not released
18.	108 dated 01.01.2018	379-B of IPC	Civil Lines	Acquitted
19.	40 dated 11.03.2018	302, 307, 148, 149 of IPC and 25 of Arms Act	Mukatsar City	Acquitted
20.	135 dated 24.07.2017	382, 341 323, 148 and 149 and 25, 27, 54 and 59 of Arms Act	Jalalabad	Acquitted
21.	129 dated 19.08.2018	392/120-B/34 of IPC	Civil Lines	Production warrants
22.	33 dated 07.03.2022	52-A Prison Act	Cantt. Bathinda	Production warrants

6. It is more than settled that while dealing with the application for grant of regular bail, the allegations and the antecedents of each individual/accused have to be considered and appreciated exclusively and independently.
7. For the aforesaid reasons, finding no merits in the present petition, the same is thus dismissed.

25.07.2024

(HARKESH MANUJA)

Tejwinder

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>