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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-35300-2024 (O&M)
Date of decision: 18.11.2024

Ramandeep Minhas @ Rummy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sohrab Dhanda, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 09 dated 12.01.2024, registered under Sections 21 and 29 of the NDPS Act, 1985 at Police Station City Nawahnshahar, District SBS Nagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 12.01.2024, the petitioner along with co-accused Sonu Chaurasia, Ravi Kumar and Dalvir Singh, while coming in a car bearing registration number PB-02-CC-3965, was apprehended by a police party headed by ASI Jasvir Singh and recovery of 300 grams of heroin was effected from the dashboard of the said car. The petitioner as well as the aforesaid co-accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court

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for grant of regular bail but the same had been dismissed, vide order dated 30.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. No independent witness was joined at the time of effecting alleged recovery of contraband. The story put forth by the police party is concocted one. Investigation has since been completed and challan has been presented. The trial is likely to take a long time. The petitioner is in custody since 12.01.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed. It is submitted therein and learned State counsel, while opposing the prayer made by the petitioner, has argued that the petitioner was apprehended by the police party on 12.01.2024 along with aforesaid three co-accused and recovery of 300 grams of heroin was effected, which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner was apprehended by the police party on 12.01.2024 along with aforesaid co-accused and recovery of 300 grams

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of heroin was effected, which obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to lacunas in the investigation, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No