



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

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CRM-M-41713-2023

Date of decision: October 15th, 2024

Parvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Bhalla, 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.41 dated 09.03.2023 under Section 22 (Section 29 added later on) of the NDPS Act, 1985, registered at Police Station Sadar, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case involving the alleged recovery of 27000 tablets of Tramadol, which was affected from co-accused Ranjit Singh. While drawing the attention of this Court to the FIR, it has been pointed out that a bare reading of the FIR reveals that the petitioner is neither named nor attributed any role in it.

3. It has been further argued by the learned counsel that the petitioner's involvement in the present case was based solely on a disclosure statement made by co-accused Sahil, who himself was named as an accused by way of a disclosure statement allegedly suffered by

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another co-accused Ranjit Singh, from whom, as already submitted, the alleged recovery of contraband was affected. It has been asserted by the learned counsel that the evidentiary value of such disclosure statements is weak. Furthermore, it has been argued that despite the petitioner being arrested on 10.03.2023, there has been little progress in the trial. It has been submitted that it was in the light of the aforementioned circumstances, the petitioner was extended the concession of interim bail by a coordinate Bench of this Court on 03.04.2024.

4. Learned counsel for the petitioner further contends that the trial is likely to be further delayed, as ten out of the 13 prosecution witnesses still remain to be examined; therefore, sending the petitioner back into custody would serve no useful purpose more so when he is not involved in any other criminal case. Hence, the interim bail granted on 03.04.2024 be made absolute.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. It has been submitted that serious allegations exist against the petitioner with respect to his involvement in the supply of a huge quantity of Tramadol tablets totalling 27000 in number, which were recovered from co-accused Ranjit Singh. Learned State counsel while acknowledging that the petitioner was not apprehended at the time of the alleged recovery from the co-accused, has however, argued and submitted, on instructions, that the petitioner is the kingpin and mastermind behind the entire drug syndicate, as enough incriminating material had been collected during investigation that he was the supplier

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of the contraband.

6. Learned State counsel has also contended that it is not a case, wherein the petitioner has been languishing in custody for years together, rather he was arrested only on 10.03.2023, thereafter, the challan was presented on 18.08.2023 within the statutory period of 180 days. Learned State counsel, on further instructions, has submitted that after the charges were framed on 19.03.2024, the trial had been proceeding at a considerably good pace as three prosecution witnesses out of the 13 already stood examined and thus, there was every likelihood that the trial would not take much time to conclude. A prayer has been, therefore, made for dismissal of the instant petition.

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

8. Vide order dated 03.04.2024, a coordinate Bench of this Court extended the concession of interim bail to the petitioner in the following terms:-

“Contends that petitioner is in custody since 10.03.2023. After investigation, challan/report under Section 173 of Code of Criminal Procedure, 1973 was presented on 18.08.2023; charges were framed on 19.03.2024, but out of 13 prosecution witnesses, none has examined so far. Specifically contends that there is no recovery alleged against the petitioner; nor petitioner is involved in any case.

Learned State counsel seeks time to verify the above factual position.

Posted for 10.07.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his



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furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

9. *Prima facie*, there are serious allegations against the petitioner regarding his involvement in the supply of a large quantity of contraband, which falls within the category of commercial quantity under the NDPS Act. The nature of the recovery in the present case is substantial, and considering the gravity of the offence and the alleged role attributed to the petitioner, and also the factum of trial proceeding at a reasonably good pace, this Court does not find it appropriate to extend the concession of interim bail to the petitioner, which was granted vide order dated 03.04.2024.

10. Interim order dated 03.04.2024 stands vacated.

11. Accordingly, the present petition is dismissed.

12. The petitioner is directed to surrender before the trial Court on or before 22.10.2024.

13. 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.

October 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No