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

CRM-M-40795-2024

Date of decision : 29.08.2024

Kuldeep Singh @ Deep**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. D.S. Bhinder, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 483 of BNSS praying for grant of regular bail in case FIR No.32 dated 29.03.2024, under Sections 21/22 of NDPS Act, 1985 registered at Police Station Dhanaula, District Barnala.

As per the facts of the case the Police party while on patrolling spotted a person walking on the right hand side of the vehicle of police party, who got perplexed on seeing the police party and took out an envelope from the right pocket of his pant and threw it away and when he tried to escape, police party apprehended him. On asking, he disclosed his name as Kuldeep Singh @ Deep (present petitioner). On suspicion he was given an offer for his search and on conducting the search of the polythene thrown by Kuldeep Singh, 09 strips of intoxicant tablets were recovered i.e. total 90 tablets and 20 grams of Heroin was also recovered from the Polythene. The petitioner failed to produce any licence for possession of the same. He was arrested on registering the FIR. Thereafter, the petitioner approached the Ld. Judge, Special Court, Barnala for grant of bail, however, after hearing both the sides, the same was declined by the Ld.



Judge, Special Court, Barnala vide order dated 08.05.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

It has been vehemently contended by counsel for the petitioner that the petitioner has been made a scapegoat by the Police. He has fairly submitted that the petitioner was earlier implicated in FIR No.45 dated 03.04.2020 at the same Police Station under Sections 21, 22, 25, 27 and 29 of NDPS Act. In that case, the petitioner was found to be falsely implicated and thus, the Learned Sessions Judge, Barnala issued a show cause notice to the Investigating Officer who had arrested the petitioner in FIR No.45 dated 03.04.2020, despite the bail having been granted by this Court vide order dated 01.10.2021 in a petition bearing CRM-M No.14194-2020 (Kuldeep Singh Vs. State of Punjab). Thus, it was observed that the action be initiated against the Investigating Officer for the Contempt of Court. He submits that to settle the score with the petitioner, after passing of the order dated 06.06.2022, the petitioner has been falsely implicated in 03 different FIRs, out of which in one FIR he has been granted interim bail and in another, notice was issued. He submits that all these FIRs are of the same Police Station and for the similar contraband. He submits that even otherwise the investigation is already complete in the present case. He submits that the false implication of the petitioner due to the observations made by the Learned Special Court is writ large and thus, in the facts and circumstances of the present case, he deserves to be granted regular bail.

Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was arrested from the spot and the contraband recovered from



the petitioner being 17.65 etizolam falls in the category of commercial quantity. He has submitted that the investigation is complete and the challan has been presented. He has also submitted that the petitioner is involved in 14 other cases and thus, the petitioner does not deserve to be granted bail.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 29.03.2024. Learned counsel for the petitioner has vehemently contended that 03 FIRs have been lodged against the petitioner after order passed by this Court and all the FIRs belongs to the same Police Station. However, as is apparent that the investigation is already complete and the petitioner is behind bars from 29.03.2024, this Court finds that the petitioner deserves to be granted bail.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.08.2024

(RAJESH BHARDWAJ)
JUDGE

ps-I

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