

2024:PHHC:168667



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

294

CRM-M-43951-2024 (O&M)
Date of decision: 17.12.2024

Surinder Singh @ Sunny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 103 dated 19.10.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Cantt. Jalandhar, District Jalandhar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 19.10.2023, the petitioner was apprehended by a police party headed by ASI Harbhajan Singh and recovery of 180 tablets of ELPRAFRESH-0.5 MG (*Etizolam*), 110 tablets of TRAMATRUST SR-100 and 60 tablets of CLOVEDOL SR-100 (*both containing Tramadol Hydrochloride*) was effected from him. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 28.02.2024 and presently, the petitioner is facing trial for commission of aforesaid mentioned offence.
3. Learned counsel for the petitioner has argued that the petitioner has

2024:PHHC:168667



been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner was planted by the police officials. No independent witness was joined at the time of effecting alleged recovery from the petitioner. 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 19.10.2023. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has already been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was apprehended by the police party on 19.10.2023 and recovery of aforesaid intoxicant tablets was effected from him. The petitioner is involved in one more case under the NDPS Act. The quantity of the recovered contraband in this case falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. During the course of recovery and further investigation, proper procedure as prescribed under the Act was followed. 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 19.10.2023 and recovery of 180 tablets of ELPRAFRESH-0.5 MG (*Etizolam*), 110 tablets of TRAMATRUST SR-100 and 60 tablets of CLOVEDOL SR-100 (*both containing Tramadol Hydrochloride*) was effected

2024:PHHC:168667



from him. The quantity of the recovered contraband falls within the ambit of the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. He is shown to be involved in one more case under the NDPS Act. 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 criminal antecedents of the petitioner, 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.

17.12.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No