



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

217

CRM-M-44677-2024**Date of decision: 13.09.2024****GURSEWAK SINGH**

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Gulati, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail in second petition filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.04 dated 07.03.2024 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A added later on) registered at Police Station SSOC, Fazilka, District Fazilka.

2. At the outset, a query was put to the learned counsel as to what is the material change in the circumstances after the withdrawal of the previous petition on 14.05.2024, he submitted that investigation had been completed and challan also presented. Learned counsel has further argued that the petitioner has been falsely implicated in the present case and the alleged recovery shown to have been effected from the petitioner is 25 grams of heroin which falls within the inter-mediatory quantity along with some drug money. Learned counsel has asserted that in fact the money allegedly recovered from the petitioner was nowhere connected with the

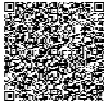
drug trafficking but was from some sale proceeds of food grains. Learned



counsel has, thus, argued that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose moreso when charges have yet not been framed and as many as 17 witnesses have been cited by the prosecution.

Another query was put to the learned counsel as to whether the petitioner has any criminal antecedents to which he replied that he has been falsely implicated in one other case also under the NDPS Act and in that case he was nominated as an accused on the basis of a disclosure statement.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Arwinder Pal Singh has submitted that a specific secret information was received qua the involvement of the petitioner in drug trafficking. Subsequent to the secret information, after due compliance of the mandatory provisions of the Act, the petitioner was apprehended with 25 grams of heroin along with drug money in the sum of Rs.5,18,000/-. Learned State counsel has submitted that all this needs to be appreciated in the light of the petitioner's criminal antecedents and his involvement in another case under the NDPS Act; the petitioner was on bail in the other NDPS case which had been previously filed against him and, thus, there can be no manner of doubt that he had misused the liberty which had been granted to him in the other criminal case registered as he had yet again committed an offence under the NDPS Act. It has been submitted that the offence under Section 27-A of the NDPS Act has also been added in the



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

5. The petitioner has been in custody since 07.03.2024. No doubt, the challan stands presented however, charges have yet not been framed and are likely to be framed only on the next date of hearing i.e. 23.09.2024. This Court would not want to turn a blind eye to the involvement of the petitioner in one other case under the NDPS Act; when the petitioner was arrested in the present case, he was on bail in the other case registered under the NDPS Act which makes it abundantly clear that he had misused the said concession given to him.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2024
poonam

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