



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 45046 of 2024 (O&M)
Date of Decision: 24.09.2024

Aman Singla

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Arjunveer Sharma, Advocate
for the petitioner.

Mr. Brijesh, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present first petition has been filed under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking interim bail for three months to the petitioner on medical grounds in FIR No.72 dated 23.05.2020, under Sections 21, 22, 25 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station, Mehal Kalan, District Barnala.

(2) Above FIR was registered on the basis of secret information received on 23.05.2020 at 09:30 PM by police with the allegation that Lovepreet Singh @ Lovy s/o Ajmer Singh; Ravinder Singh @ Binda s/o Nachhattar Singh, residents of Divana; Satvir Singh @ Satti s/o Gurmeet



Singh, r/o Chhiniwal Khurd; Balwinder Singh @ Nikka s/o Gurjant Singh, r/o Bakhatgarh and Ravi, r/o Chakkar, in connivance with each other, have formed a racket; engaged in procuring intoxicant tablets & narcotic substance from outside the State and supplying the same in Tallewal, Mehal Kalan and nearby villages to the persons who are involved in such like activities. Also alleged that all of them were seen roaming in Verna Car bearing registration No.PB-11-AY-1700 (white colour) around Mehal Kalan Town and they are likely to supply the same in Mehal Kalan Town and nearby areas. If a raid is conducted, all of them can be nabbed along with contraband. The information was found to be credible and as a result thereof, the above FIR was registered.

(3) Contends that petitioner is suffering from Cholelithiasis with acute Cholecystitis and Renal Calculi; he is having stones in Gall Bladder as well as Kidneys and undergoing treatment in Jail Dispensary, Barnala. Further contended that petitioner is suffering from severe pain and thus, he was referred to Civil Hospital, Barnala, where doctor advised for immediate Surgery to prevent blood infection, which can be life endangering and there is no proper treatment available in the Jail Hospital for the surgery. Also contends that petitioner has been falsely implicated in the present case.

(4) On the other hand, learned State Counsel, while opposing the prayer, submits that petitioner is actively involved in supply of illegal drugs in connivance with other co-accused; hence, his complicity is well apparent in the present case. Also submits that all the accused are running a big racket and there is huge recovery of intoxicant tablets & capsules apart from drug money as well as six Cars and more than 15 Kg. of broken loose intoxicant tablets in this case.



Further submits that all the accused have been charged under NDPS Act as well as IPC for using false & fabricated bills while transporting the contraband. Again submits that petitioner has been specifically charged under Sections 22 & 29 of the NDPS Act as well as Sections 467, 468, 471 & 120-B IPC and earlier also, he approached this Court vide CRM-M-23088-2020 seeking bail pending trial, which was dismissed as withdrawn on 10.11.2021 (P-3) and petitioner again tried vide CRM-M-429-2022 which was also dismissed as withdrawn on 12.02.2024 (P-4).

Also opposed the prayer of the petitioner on the premise that petitioner is getting proper treatment as per advise of the doctor posted in the jail and in case of any emergency, every inmate(s) is provided proper treatment as the circumstances so warrant. He further submitted that petitioner remained unsuccessful on earlier two occasions for seeking bail and present petition is just a ploy to come out from the jail under the garb of interim bail.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) There is no dispute that petitioner was not named in the FIR; rather has been nominated on the basis of disclosure made by co-accused Bittu Ram.

Records reveal that huge quantity of contraband was recovered from the Verna Car on 23.05.2020.

During investigation, some other accused were also found to be involved in the racket and that led to recovery of more contraband at their instance.



On 26.05.2020, one Zulfikar Ali @ Zulfi was nominated as an accused and after his arrest on 29.05.2020, recovery of 12,000 tablets of Clovidol (Tramadol Hydrochloride) was effected from him.

Later on, above Zulfikar Ali disclosed the name of four other accused i.e. Bittu Ram, Aman Singla, Manpreet Singh & Firozdeen and from whom following contraband was allegedly recovered:-

Sr. No.	Name of the accused	Recovery
1.	Bittu Ram	10,500 Tablets of Clovidol (Tramadol Hydrochloride)
2.	Aman Singla	
3.	Manpreet Singh	5000 Tablets of Clovidol (Tramadol Hydrochloride)
4.	Firozdeen	Registered owner of Verna Car, which has been recovered

On the basis of disclosure made by co-accused-Bittu Ram, present petitioner was nominated and upon his arrest on 03.06.2020, recovery of 10500 Tablets of Clovidol (Tramadol Hydrochloride) was allegedly effected.

(7) As on today, all 21 accused have been charge-sheeted under Sections 22 & 29 of the NDPS Act along with offences punishable under Sections 467, 468, 471 & 120-B IPC for possessing illicit drugs as well as fabrication of bills for sale & purchase of the same and petitioner is one of them.

(8) There is no quarrel that petitioner approached this Court vide CRM-M-23088-2020 which was dismissed as withdrawn on 10.11.2021 with liberty to revive at a later stage. After that, petitioner again approached this Court vide CRM-M-429-2022, but the same was dismissed as withdrawn on 12.02.2024 with direction to learned Special Judge to expedite the trial.



(9) There is no dispute that prosecution has already examined 58 PWs and 52 PWs have been given up; thus, trial is going on at normal pace.

(10) As the recovery alleged against the petitioner is heavy and commercial in nature; he has already been charge-sheeted; therefore, no case for grant of interim bail is made out.

(11) In view of the above, there is no option except to dismiss the petition “at this stage”.

(12) Ordered accordingly.

(13) The above observations be not construed as an expression of opinion on merits of the case in any manner.

(14) However, the jail authorities shall provide adequate medical facilities to the petitioner and if need be, to take him to the Government Medical College and/or Hospital for treatment under police protection.

Pending application(s), if any, shall also stand disposed off.

24.09.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No