



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-49059-2023

Date of decision: 09.05.2024

Joginder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.51 dated 12.06.2023 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 307, 279, 427, 186/353 of the IPC registered at Police Station Sadar Nakodar, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Gurjral Singh @ Joga from whom a recovery of 06 kgs of heroin was allegedly effected. Learned counsel submits that as per the disclosure statement made by the co-accused, the petitioner was the supplier of the contraband which had been effected from co-accused. It has been



asserted by the learned counsel that it was highly improbable that the petitioner could have supplied the alleged heroin to the co-accused since it is a matter of record that when the co-accused was apprehended by the police, the petitioner was in custody in some other case. It has been thus prayed that in the aforementioned facts and circumstances, since the investigation in the case at hand is complete, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has placed on record his custody certificate. It has been submitted by the learned State counsel on instructions that the petitioner is a part of a large drug syndicate which is evident from a perusal of the custody certificate as he is involved in a number of other cases under the NDPS Act. It has also been submitted by the learned State counsel on instructions that co-accused Gujral Singh @ Joga is none other than the son of the petitioner and thus the disclosure statement suffered by the co-accused cannot be just brushed aside. Learned State counsel has also submitted that the petitioner has been repeatedly committing offences under the NDPS Act for which he does not deserve to be enlarged on bail.

4. I have heard learned counsel for the parties and perused the material placed on record including the custody certificate filed in the Court today.

5. Prima facie it is apparent that the petitioner is a habitual



offender and has been committing offences under the NDPS Act repeatedly. This Court would, thus, not be inclined to extend the concession of bail to the petitioner as this Court concurs with the submissions made by the learned State counsel that the petitioner could yet again involve himself in some other case under the NDPS Act.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

09.05.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

Whether reportable

:

Yes/No

:

Yes/No