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

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CRM-M-46960-2024 (O&M)
Date of decision: 12.12.2024

Tasveer Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 13 dated 27.02.2024, registered under Sections 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kathunangal, District Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 27.02.2024, co-accused Sukhdev Singh was apprehended by a police party headed by ASI Ajit Singh and recovery of 270 grams of heroin was effected from him. He was formally arrested at the spot. During the course of investigation, he suffered a disclosure statement to the effect that he had purchased the recovered contraband from the present petitioner. On the basis of this disclosure, the petitioner was nominated in this case and was arrested by way of production warrant on 12.03.2024, as he was already in custody in

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connection with a case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 23.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in law against the petitioner. The story put forth by the police party is concocted one. Mandatory provisions of Section 50 of the NDPS Act were not complied with. 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 12.03.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned State counsel has argued that though the petitioner was nominated in this case on the basis of the disclosure statement suffered by the co-accuse, however, during the course of investigation, his complicity in the subject crime has been duly established. The petitioner is indulged in selling contraband. He is involved in one more case of similar nature. Since the quantity of the contraband recovered in this case falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted in this case. The trial is going on 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

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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 has been nominated in this case on the basis of the disclosure statement suffered by co-accused Sukhdev Singh, who was arrested at the spot and recovery of 270 grams of heroin was effected from him. The said quantity of the contraband obviously falls within the ambit of commercial quantity. The petitioner is shown to be involved in one more case under the NDPS Act. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. As regards the argument advanced by learned counsel for the petitioner with regard to non-compliance of mandatory provisions of Section 50 of the NDPS Act during the course of effecting recovery, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. 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

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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.

12.12.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No