

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-50907-2023

Date of decision: 19.01.2024

Sukhpreet Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shivdeep, Advocate for
Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (fourth) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.82 dated 01.04.2021 under Sections 21, 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25, Sub Sections 6, 7, 8 of the Arms Act, 1959 registered at Police Station Maqboolpura, District Amritsar City.

2. Learned counsel for the petitioner inter alia contends that the petitioner is completely innocent and has been falsely implicated in the case in hand. It has been further submitted that allegedly a secret information was received qua the petitioner's involvement in the sale and purchase of heroin and thereafter he was apprehended with 255 grams of heroin along with a pistol. Learned counsel submits that the recovery allegedly effected from the petitioner is just marginally higher than the minimum classified as 'commercial' under the NDPS Act. It has

been further submitted that the petitioner was arrested on 01.04.2021; charges were framed on 22.12.2021, however, till date only 06 prosecution witnesses had been examined and, hence, in the circumstances, it was evident that the trial had been proceeding at a very slow pace and furthermore there was no likelihood of the trial concluding in the near future. A prayer has, therefore, been to enlarge the petitioner on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the recovery effected from the petitioner falls under the 'commercial quantity' coupled with the fact that he was specifically named in the secret information; it was only thereafter the police had apprehended him and while effecting the recovery of the contraband all the mandatory provisions of the NDPS Act were duly complied with. Learned State counsel has placed on record the custody certificate of the petitioner and invited the attention of this Court to the numerous cases which stand registered against him including cases under the NDPS Act. Learned State counsel has submitted that keeping in view the criminal antecedents of the petitioner, the contention of the learned counsel for the petitioner that he had been falsely implicated in the case in hand, is totally bereft of any merit.

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

5. In view of the facts and circumstances as enumerated hereinabove coupled with the recovery i.e. 255 grams of heroin effected

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from the petitioner as also his criminal antecedents, he does not deserve to be extended the concession of bail.

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.

19.01.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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