

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53745-2023

Date of Decision: February 22, 2024

DEEPAK SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.119 dated 08.10.2022 registered under Sections 22-C and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Shimlapuri, District Ludhiana wherein, the petitioner has been implicated against the alleged recovery of 1150 tablets of Alprasafe.
2. Learned counsel for the petitioner submits that as per the site plan filed along with the challan, it has no where been mentioned as to from which place the recovery was effected. He also submits that the intimation memo regarding the arrest of the petitioner which was prepared on the same day of registration of FIR also finds the signatures of his mother besides even the witnesses to the recovery.
3. On the other hand, Learned State counsel files reply by way of an affidavit of Kuldeep Singh Chahal, IPS, Commissioner of Police, Ludhiana, District Ludhiana on behalf of respondent No.1, the same is taken on record and vehemently opposes the prayer made herein while

submitting that the offences involving the provisions of NDPS Act are happening more frequently in the society and as such the petitioner does not deserve the concession of bail. Learned State counsel further submits that the custody of the petitioner is only 1 year and 4 months as of now and the trial is at the fag end as 6 of the material witnesses have already been examined.

4. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges and out of 13 prosecution witnesses, 6 have already been examined besides, the custody of the petitioner is only 1 year and 4 months. As regards the submissions made on behalf of the petitioner about the presence of the mother of the petitioner at the place of incident while signing his arrest memo and the discrepancy, if any, in the site plan, the same are a matter of trial. Considering the aforesaid facts and circumstances besides the recovery involved in the present case amounting to commercial quantity, this Court does not deem it proper to grant the concession of bail to the petitioner at this stage, as such, the prayer made herein is declined.

22.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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

