

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-57022-2023
Date of decision: 30.04.2024

RAJKUMAR @ RAJU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Charanpreet Singh, Advocate for
Mr. H.S. Bhogal, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 439 Cr.P.C, for releasing the petitioner on regular bail in case FIR No.48 dated 14.07.2023, under Sections 21, 22 and 29 of the NDPS Act, at Police Station Aur, District Shaheed Bhagat Singh Nagar.
2. The learned State counsel has placed on record the custody certificate issued by the Superintendent of Central Jail, District Ludhiana. The same is taken on record.
3. A perusal of the status report, which was filed by respondent-State on 15.02.2024, reveals that on the date of occurrence, 24 intoxicating injections make bupernorphine, and 08 grams of heroin was effected from the co-accused namely Deepak Kumar @ Machhi.
4. The above co-accused suffered a disclosure statement that he has procured the said heroin, and intoxicating injections from the present petitioner.

On the basis of disclosure statement, the petitioner was nominated as an accused, and offence under Section 29 of the NDPS Act was added, vide DDR No.32 dated 16.07.2023, registered at Police Station Aur, and on 08.09.2023, the present petitioner was arrested.

5. A perusal of the above reply further reveals that the petitioner is involved in 04 other cases, out of which two are of NDPS Act. Though in all the cases the petitioner has earned acquittal, however, considering the fact that the recovery effected from the co-accused falls within the ambit of commercial quantity, and the rigors of Section 37 of the NDPS Act, would certainly come in the way, in considering the relief of regular bail to the present petitioner.

6. Further the learned State counsel on instructions, imparted to him by ASI Dharam Chand, submits that out of the total 12 prosecution witnesses cited in the final report, 07 prosecution witnesses have been examined so far, and the charges were framed on 30.01.2024. Therefore, it clearly reflects that the trial is progressing in a right direction.

7. Considering the days of incarceration i.e. 07 months and 21 days, suffered by the petitioner, as of today, and the stage of trial, as well as the recovery effected from the co-accused, this Court is not inclined to grant the relief of regular bail to the present petitioner.

8. The instant petition is **dismissed** accordingly.

30.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No