

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:015459

CRM-M-65221-2023

Date of decision: February 05, 2024

SUKHRAJ SINGH @ SUKHRAM SINGH @ RAJU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj Kumar, Advocate
for the petitioner.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.8 dated 21.01.2023 (Annexure P-1) under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mehna, District Moga.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon him for having been found in possession of 30 tablets of Etizolam and 10 grams of heroin. Learned counsel submits that the recovery of Etizolam was just marginally higher than the minimum prescribed as 'commercial' under the NDPS Act. It has been further submitted that after the charges were framed on 11.05.2023, none of the prosecution witnesses had been examined till date.

3. Learned counsel for the petitioner has still further submitted that no doubt there was another case registered against the petitioner under the NDPS

Act, however, he had been released on bail in the said case. Learned counsel has submitted that the petitioner be enlarged on bail, keeping in mind his custody of more than a year and also the quantity of contraband allegedly effected from him.

4. *Per contra*, learned State counsel has filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. A copy thereof has been supplied to the learned counsel for the petitioner. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner for extending the concession of bail to the petitioner. While drawing the attention of this Court to the custody certificate, learned State counsel has submitted that a perusal of the same makes it abundantly clear that the petitioner is a man of criminal antecedents as he is involved in 9 other criminal cases including cases under the NDPS Act, Indian Penal Code and also under the Arms Act/Prisons Act. He has further submitted that the next date fixed before the learned trial Court in 16.02.2024, when the prosecution evidence is likely to commence.

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

6. A perusal of the FIR in question, which has been annexed as Annexure P-1, reveals that a specific secret information had been received *qua* the involvement of the petitioner in the sale and purchase of narcotic substances and it was pursuant thereto that he was nabbed by the police and that too after complying with the mandatory provisions of the NDPS Act. Besides this, the petitioner comes across as a man of criminal antecedents and is *prima facie* a habitual offender.

7. In the facts and circumstances as enumerated hereinabove, this Court would not be inclined to extend the concession of bail to the petitioner.
8. The petition stands dismissed.
9. 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.

February 05, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No