



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

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CRM-M-7663-2024

Date of decision: January 16th, 2025

Baljinder Singh @ Bhinda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.174 dated 07.09.2023 under Sections 20 and 22 of the NDPS Act, 1985, registered at Police Station City-I, Sangrur.

2. Status report by way of affidavit of Deputy Superintendent of Police, Sub-Division Sangrur, has been filed in Court, which is taken on record. Copy supplied to the counsel opposite. In compliance of order dated 03.12.2024, since there were specific directions by this Court to the State to verify the assertions with regard to the ownership of the house from where the contraband was allegedly recovered, learned State counsel has submitted that it has been verified that the petitioner is residing in the house from which the alleged contraband was recovered pursuant to his disclosure statement on being arrested on 12.09.2023. Learned State counsel has further submitted that a specific secret information had been received qua the involvement of the

petitioner in drug trafficking and pursuant thereto, when a *naka* was laid, the petitioner on seeing the police party fled away from the spot, but not before throwing two packets in which 300 loose tablets and 300 grams of sulfa had been packed. Learned counsel has submitted that subsequently on 12.09.2023 on suspicion, the petitioner was intercepted while he was trying to yet again flee away on a motorcycle and thereafter, another recovery of 300 loose tablets was made from his own house. It has been argued by the learned State counsel that the petitioner has misused the concession of bail granted to him in the three other cases, which are pending against him under the NDPS Act, which also includes a conviction for an offence under the NDPS Act. A prayer has, therefore, been made that in case the petitioner is enlarged on bail, he could yet again misuse the said concession and be involved in some other case under the NDPS Act and hence the present petition be dismissed. It has also been further submitted that the trial is proceeding at a steady pace as two witnesses have been completely examined and one witness has been given up out of the 17 cited by the prosecution. Hence, in the facts and circumstances, there is every likelihood that the trial would not take much time to conclude.

3. Learned counsel for the petitioner, however, has reiterated the following submissions made on the last date of the hearing:

“learned counsel for the petitioner submits that he has falsely been implicated in the present case and as a matter of fact the mother of the petitioner on account of threat issued by the police was constrained to approach this Court by way of CRWP-180-2023 in which notice of motion was issued on 09.01.2023, wherein certain allegations had been made by the petitioner’s mother to the effect that Iqbal Singh and Sukhbir Singh, both of whom are police officials posted with STF Sangrur, had been threatening her and other members of her family and that it was subsequently after about a week i.e. 07.09.2023, that the instant FIR came to be lodged against the petitioner. It has further been submitted that in

fact the petitioner was never ever found or arrested at the spot and as per the case of prosecution itself, the petitioner had run away from the spot. Learned counsel submitted that upon not being able to plant any recovery upon the petitioner, subsequently projected that some recovery had been effected from a vacant/newly constructed house of the petitioner, whereas the petitioner does not own any house in the village. Learned counsel in this regard has also shown a report stated to have been made by the Tehsildar concerned to the effect that the petitioner does not own any property.”

4. It has also been further asserted that although the disclosure statement purportedly made by the petitioner, following his arrest on 12.09.2023, has weak evidentiary value, however, the recovery made pursuant to the same has been classified as non-commercial under the NDPS Act.

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

6. *Prima facie*, the petitioner does come across as a habitual offender, which is evident from his involvement in a number of cases under the NDPS Act including one conviction under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

8. The instant 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.

January 16th, 2025

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No