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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-22307-2024 (O&M)
Date of decision: 16.01.2025

Paramjit Singh @ Pamma**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Naveen Kumar Mahajan, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 0302 dated 26.11.2022, registered under Section 21-C and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station STF, SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 26.11.2022, a secret information was received to the effect that the petitioner is involved in the sale of heroin and illegal weapons and on that day, he was going to supply the same to his customers in car bearing registration number PB-46-A-5015. Believing the information to be true, a barrier was laid at the informed place and the petitioner, while coming in the said car, was apprehended by the police party. On conducting search, recovery of 02 kgs. and 20 grams of heroin and 08 pistols with magazines having live cartridges was effected from the car. The petitioner was formally arrested at

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the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 12.07.2023.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The investigation has since been completed and *challan* has been presented before the Court. The conclusion of trial is likely to take time. The petitioner is in judicial custody since 26.11.2022. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Reply has already been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has vehemently opposed the prayer made by the petitioner by submitting that the petitioner was apprehended by the police party on 26.11.2022 and a huge quantity of the contraband along with several illegal arms and ammunitions was recovered from his possession. Since the quantity of the recovered contraband falls within the ambit of commercial quantity, therefore, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. His criminal antecedents are also not clean as he is involved in one more case of similar nature. The trial is going on at a proper pace. The petitioner may abscond or indulge in similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

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and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party and recovery of 02 kgs. and 20 grams of heroin and 08 pistols with magazines having live cartridges was effected from him. The quantity of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the custody certificate of the petitioner reveals that he is involved in one more case under the NDPS Act. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view his criminal antecedents. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No