

2025:PHHC:017532



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

303

CRM-M-52112-2024 (O&M)
Date of decision: 06.02.2025

Shinderpal @ Sindherpal Singh**...Petitioner**

Versus

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

Present:- Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Ms. Sakshi Baskhi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No. 321 dated 16.10.2023, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, Phase 4, Mohali.

2. Brief facts of the case relevant for the disposal of the present petition are that on 16.10.2023, the petitioner and co-accused Raj Singh @ Karan, while coming on a motorcycle bearing registration number PB-05-AQ-4084, were apprehended by the police party and recovery of 01 kg. of heroin was effected from them. They were formally arrested at the

2025:PHHC:017532



spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. He has filed an application for grant of regular bail/interim bail before the Court of learned Judge, Special Court, Ferozepur but the same had been dismissed, vide order dated 31.01.2024. Thereafter, he had filed a petition, bearing CRM-M-32927-2024, before this Court seeking interim bail, which too was dismissed, vide order dated 31.07.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He had only taken lift on the motorcycle of the co-accused as they both were the residents of the same village and he was not aware of the fact that co-accused was carrying any contraband. The petitioner is in judicial custody since 16.10.2023. Investigation has since been completed and *challan* has been filed. The trial is likely to take time. 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. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has vehemently argued that the petitioner was nabbed at the spot along with the above named co-accused while they were coming on a motorcycle and recovery of 01 kg. of heroin was effected from them. Since the quantity of the contraband falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner, which would

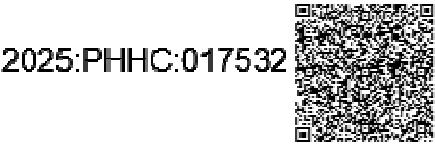
2025:PHHC:017532



make him not entitled to grant of bail. Even otherwise, the trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences as his criminal antecedents are not clean. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner along with co-accused Raj Singh @ Karan, while coming on a motorcycle bearing registration number PB-05-AQ-4084, were apprehended by the police party and recovery of 01 kg. of heroin was effected from them. The quantity of the contraband is huge and obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. The petitioner is shown to be involved in two more criminal cases, out of which, one case is under the provisions of Aircraft Act and another is under the provisions of Prison Act. In cases under the NDPS Act, the negation of bail is the rule and its grant is an exception. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated to be unfounded keeping in view his criminal antecedents. Keeping in view the gravity of allegations as levelled against the petitioner, his criminal antecedents, 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, I am 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.

06.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>