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

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CRM-M-55449-2024 (O&M)
Date of decision: 12.05.2025

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Himani Arora, AAG, 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. 239 dated 25.10.2020, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kartarpur, District Jalandhar (Rural).

2. Brief facts of the case relevant for the disposal of the present petition are that on 25.10.2020, a secret information was received by SI Ajit Singh to the effect that the petitioner and co-accused Surjit Singh were indulged in sale of poppy husk and they had procured a huge consignment of poppy husk from Srinagar. It was further informed that they had hidden the contraband in the garage of uncle of the petitioner. Believing the information to be reliable, the police party conducted an immediate raid at the informed place. However, on seeing the police party, a person, who was later on

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identified as the present petitioner, managed to escape but co-accused Surjit Singh was apprehended. On conducting search of the said garage, recovery of 200 kgs. of poppy was effected. Upon interrogation, co-accused Surjit Singh disclosed that the petitioner, who was working as a truck driver, had links with one Sohail, resident of Srinagar, and the petitioner and himself used to purchase poppy husk from said Sohail. The petitioner could not be arrested. After completion of investigation, *challan* qua co-accused Surjit Singh was presented in the Court and after facing trial, he has been convicted for a period of ten years. The petitioner was subsequently arrested on 05.07.2024 and the trial qua him has commenced. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 20.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The provisions of Section 42 of the NDPS Act were not complied with. The story put forth by the police party is concocted one. The petitioner had filed a petition, bearing ***CRM-M-14609-2021***, before this Court seeking grant of anticipatory bail, whereby his arrest was stayed, vide order dated 06.04.2021. However, subsequently the said petition was dismissed as withdrawn, vide order dated 26.04.2022. It is also argued that the medical condition of the petitioner is not good as he had sustained a fracture in his pelvis and hip in motor vehicular accident. He is in judicial custody since 05.07.2024. The trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is

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submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. The petitioner along with co-accused Surjit Singh were involved in sale/purchase of poppy husk by bringing the same from Srinagar. On the day when raid was conducted at the informed place, he had succeeded in fleeing. A huge quantity of the contraband, which falls under the commercial quantity, has been recovered in this case. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The petitioner is a habitual offender as he is involved in two more cases under the NDPS Act, out of which, in one case he stands convicted and in another case, he is facing trial. During the course of investigation, proper procedure as prescribed in law was followed. Trial is delayed due to the fact that the petitioner was absconding. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued 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 Surjit Singh was indulged in the illegal business of sale/purchase of the contraband. However, when in pursuance of receipt of the secret information regarding illegal activities of the petitioner and co-accused, the raid was conducted on 25.10.2020 at the informed place, the petitioner succeeded in fleeing, whereas the co-accused Surjit Singh was apprehended. Recovery of 200 kgs. of poppy husk was effected from the said garage, which belonged to uncle of the petitioner. Trial qua co-accused Surjit Singh has culminated into his

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conviction for ten years. The petitioner has been arrested on 05.07.2024 and trial qua him has started. The quantity of the recovery of contraband obviously falls within the ambit of the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The petitioner is shown to be involved in two more FIRs under the NDPS Act, which reflects that he is a habitual offender. The apprehension expressed by learned State counsel that if released on bail, the petitioner may abscond or indulge in similar offences, can also not be stated to be unfounded keeping in view his antecedents. So far as the medical condition of the petitioner is concerned, no medical record in support of his claim has been placed on record, except a certificate dated 09.02.2023, issued by the Punjab Institute of Medical Science, Jalandhar, which relates to an accident occurred on 25.01.2021. However, since then, a period of about 04 years has passed. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, 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 the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only

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for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No