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

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CRM-M-60996-2024 (O&M)
Date of decision: 20.03.2025

Lovepreet Singh Labha**...Petitioner**

Versus

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

Present:- Mr. A. P. S. Sandhu, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in FIR No. 68 dated 21.05.2021, registered under Section 21C of the NDPS Act, 1985 at Police Station STF, District SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 21.05.2021, the petitioner was apprehended by the police party and recovery of 256 grams of heroin was effected from him. He was arrested at the spot. Later on, he was granted concession of interim bail till receipt of the FSL report by the Court of learned Judge, Special Court, Amritsar, vide order dated 14.07.2021. However, after receipt of said report and at the time of presentation of *challan*, the petitioner did not appear before the Court concerned, due to which, the interim bail granted to him was cancelled and he was ultimately declared a proclaimed offender, vide order dated 31.08.2023. He was subsequently arrested on 27.06.2024 and is in custody since then. He had moved an application for grant of regular bail

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before the learned trial Court but the same had been dismissed, vide order dated 16.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Although he has been named in the FIR but a false recovery has been planted upon him. The petitioner was on interim bail awaiting FSL report. However, since no summons or notice was received by him, he could not appear before the Court at the time of presentation of *challan*, which resulted into cancellation of his interim bail. After his re-arrest, the petitioner is in custody since 27.06.2024. Conclusion of 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. *Per contra*, learned State counsel has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. He was nabbed at the spot. He was granted concession of interim bail but he had misused the same and had absconded from Court proceedings. He was ultimately declared a proclaimed offender and was re-arrested on 27.06.2024. His story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial, the rigors of Section 37 of the NDPS Act would be attracted against him. The trial is going on at a proper pace. If released on bail, the petitioner may abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

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

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length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party and the recovery of 256 grams of heroin was effected from him. As mentioned above, he was granted concession of interim bail but he has misused the same by absconding. He was even declared a proclaimed offender before being re-arrested on 27.06.2024. Even otherwise, the quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. The apprehension expressed by 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 at this stage. There are serious and specific allegations against the petitioner. 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, 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.

20.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No