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

322

CRM-M-61607-2024 (O&M)
Date of decision: 16.01.2025

Sukhpal Singh @ Balli**...Petitioner**

Versus

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

Present:- Mr. Naveen Sharma, 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. 38 dated 08.08.2024, registered under Sections 21-A, 18 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kotfatta, District Bathinda.

2. Brief facts of the case relevant for the disposal of the present petition are that on 08.08.2024, the petitioner was apprehended by a police party headed by ASI Vishnu Das and recovery of 140 grams of opium and 70 milligrams of heroin was effected from him. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 09.10.2024.

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3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the contraband recovered from the petitioner was planted upon him. Even otherwise, the quantity of the recovered contraband does not fall under commercial quantity. 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 08.08.2024. 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 Deputy Advocate General, Punjab has argued that the petitioner is a habitual offender. He was nabbed by the police at the spot and recovery of aforesaid contraband was effected from. He has been convicted in two cases of similar nature, whereas 05 other cases under the NDPS Act are pending against him. 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 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 140 grams of opium and 70 milligrams of heroin was effected from him. A perusal of the custody certificate of the petitioner reveals that he is involved in multiple FIRs under the NDPS Act. In view thereof, the apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated

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to be unfounded. 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 criminal antecedents of the petitioner 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