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

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**CRM-M-51817-2024 (O&M)
Date of decision: 04.03.2025**

Jaswant Singh @ Raju**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, 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. 143 dated 29.08.2024, registered under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Kotkapura, District Faridkot.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.08.2024, co-accused Sukhpal Singh @ Meli and Harbhagwan Singh @ Bhana, while coming on a motorcycle bearing registration number PB-04-Q-9796, were apprehended by a police party headed by ASI Chamkaur Sahib and recovery of 1500 tablets of Tramadol Hydrochloride was effected from them. They were formally arrested at the spot. During the course of investigation, they disclosed that they used to bring intoxicant tablets from the present petitioner. On the basis of the same, the petitioner was nominated in this case as accused and was arrested on 30.08.2024. After completion of necessary investigation and usual formalities, *challan* was presented before the

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Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 08.10.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. Mandatory provisions of Section 50 of the NDPS Act were not complied with. The petitioner is not involved in any other case. Even otherwise, investigation has since been completed and challan has been filed. The trial is likely to take a long time. The petitioner is in custody since 30.08.2024. 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 submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The allegations against the petitioner are quite serious as he used to supply the intoxicant tablets to the co-accused. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the disclosure of co-accused Sukhpal Singh @ Meli and Harbhagwan Singh @ Bhana, who were apprehended by the police party at the spot and from whom, recovery of 1500 intoxicant tablets of Tramadol Hydrochloride was effected. The allegations against the petitioners are that he used to supply intoxicant tablets to the co-accused. The allegations against him are quite serious. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, 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 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.

04.03.2025

Wassem Ansari(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No