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

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**CRM-M-56455-2024 (O&M)
Date of decision: 22.05.2025**

Charanjit Singh @ Chan @ Channa**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Navdeep Kaur Brar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case bearing FIR No. 137 dated 15.11.2018, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bhikhiwind, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.11.2018, the petitioner was apprehended by a police party and recovery of 800 intoxicant tablets (Tramadol) was effected from him. The petitioner was granted concession of interim bail awaiting FSL report, vide order dated 19.12.2018. After completion of necessary investigation and usual formalities, *challan* was presented in the Court. However, the petitioner absconded and did not appear before the learned trial Court subsequently resulting into cancellation of his bail and ultimately into his declaration as a proclaimed offender on 06.07.2020. The petitioner

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was re-arrested on 12.01.2024 and since then, he is in custody. He had filed an application for grant of regular before the learned trial Court bail but the same had been dismissed, vide order 18.07.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. After having been granted concession of interim bail by the learned trial Court, he was regularly appearing before the Court. However, due to outbreak of Covid-19 pandemic, he could not appear before the Court as he was not aware about the dates of hearing of the case. It is further argued that in fact a false recovery had been planted upon him. The petitioner is in custody since 12.01.2024. 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. Custody certificate of the petitioner has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has 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. His story regarding false implication and plantation of the recovered contraband is concocted one. Even otherwise, he had absconded for a long time and had been declared a proclaimed offender. He had been re-arrested only on 12.01.2024. If the petitioner is released on bail, he can again abscond. The trial may be expedited. 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.

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6. As per the allegations, the petitioner was apprehended by the police party and the recovery of 800 intoxicant tablets of Tramadol was effected from him. 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 the petitioner. Even otherwise, the petitioner had absconded for a period of about 04 years. He was even declared a proclaimed offender. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, 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, 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.

22.05.2025

Wasim Aswari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*