

SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023
[Arising out of S.L.P. (CrI.) No.12601 of 2023]

PARWINDER SINGH @ PARMINDER KUMAR @ VICKY Appellant (s)

VERSUS

STATE OF PUNJAB Respondent(s)

O R D E R

Leave granted.

2. The appellant is one of the accused in FIR No.124 dated 21.10.2022 registered under Sections 21, 62 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "NDPS Act") at Police Station Shimlapuri, Ludhiana. The allegations are that the three accused, including the appellant, were apprehended in a raid and 20 grams of heroin was recovered from them kept in a plastic bag. An Alto Car and two motorcycles were also taken into possession. While the appellant managed to escape, two of his co-accused were apprehended from the spot.

3. The appellant later on applied for grant of anticipatory bail, which was declined by the Special Judge. He then approached the High Court, where interim protection against arrest was granted on 02.12.2022. At the time of final hearing, the High Court was apprised of the fact that the appellant had been involved in one more case under the NDPS Act bearing FIR No.36 dated 28.03.2023. It was apparent that the appellant misused the concession of interim bail granted to him on 02.12.2022 as his name surfaced in another

case under the NDPS Act, while he was on interim bail. The High Court, consequently, dismissed the appellant's petition, prompting him to approach this Court.

4. It is true that it is a case of recovery of non-commercial quantity of the contraband and as such rigors of Section 37 of the NDPS Act are not attracted. It is also a matter of record that a coordinate Bench of this Court granted interim protection to the appellant on 06.10.2023 and pursuant thereto, he joined the investigation, which is now complete. The Chargesheet has also been filed. The question, however, that arises for consideration is whether the appellant deserves to be extended the benefit of pre-arrest bail in a case of recovery of contraband like heroin and when he is also found involved in one more case under the NDPS Act?

5. Having heard learned counsel for the parties, we are of the considered view that the parameters of granting bail in a case under special statutes like NDPS Act may not be liberally construed in the instant case. We say so taking notice of the fact that the State of Punjab is reeling under the grip of drug menace. There are several drug lords whose roots are identifiable in the State of Punjab, and who operate in the cross-border drug racketing and organized trafficking of narcotic drugs and psychotropic substances. It is a matter of common knowledge that huge cache of illicit drugs is smuggled across the border. Some local Pharmaceutical Industries, State police officials and other affluent people have been suspected to be involved, at occasions, in international drug trafficking. The drug addiction has posed a serious threat to the once vibrant state of Punjab. The Courts,

therefore, ought to be highly circumspect while granting bail, especially to a repeat offender. The appellant, as it seems from the allegations, is a drug peddler and there is every likelihood of his returning to the same illicit trade once he is allowed the privilege of pre-arrest bail.

6. We are, thus, of the opinion that the appellant does not deserve the concession of anticipatory bail. However, the appellant, like his co-accused, shall be at liberty to apply for regular bail. If such an application is moved, the same shall be decided by the learned Special Judge as early as possible and preferably within two weeks.

7. Taking into consideration the fact that the appellant has been enjoying interim protection against arrest since 02.12.2022, it is directed that the interim order passed by this Court on 06.10.2023 shall continue to operate for a period of three weeks so that appellant's regular bail application can be decided meanwhile. It is clarified that we have not expressed any opinion on merits of the appellant's claim for regular bail. Such an application shall be decided as per its own merits.

8. The Criminal Appeal stands dismissed in the above terms.

9. All pending applications, if any, stand disposed of.

.....J.
[SURYA KANT]

.....J.
[DIPANKAR DATTA]

New Delhi;
Dated: December 14, 2023.

ITEM NO.3

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).12601/2023

(Arising out of impugned final judgment and order dated 17-08-2023 in CRMM No. 55841/2022 passed by the High Court Of Punjab & Haryana At Chandigarh)

PARWINDER SINGH @ PARMINDER KUMAR @ VICKY **Petitioner(s)**

VERSUS

STATE OF PUNJAB **Respondent(s)**

Date : 14-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Vishal Mahajan, Adv.
 Mr. Anil Kumar, Adv.
 Mr. Arun Singh, Adv.
 Mr. Vinod Sharma, AOR

For Respondent(s) Ms. Abhinav Bindra, Adv.
 Ms. Nupur Kumar, AOR
 Ms. Muskan Nagpal, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

1. Leave granted.
2. The appeal is dismissed in terms of the signed order.
3. All pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)