

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10497-2015 (O&M)
Date of Decision: 07.10.2015

Tarsem Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Sandeep Arora, Advocate for the petitioners

Ms. Reeta Kohli, Addl. AG Punjab with
Mr. Vaibhav Sharma, DAG Punjab

Surya Kant, J.

(1) The petitioner seeks his release on regular bail in the case FIR No.109 dated 24.12.2013 u/s 21/27/29/85 NDPS Act registered at Police Station Lambra, District Jalandhar.

(2) As per the allegations contained in the FIR, the police party headed by ASI Jagdish Singh of CIA Staff Jalandhar (Rural) was present on the GT road near the turning point of village Singha in the area of police Station Lambra. A secret information was received that the petitioner (Tarsem Singh) along with one Dalbir Singh and Gullu having mobile numbers duly disclosed by the informer, were dealing in the sale of heroin at a large scale and they were going for the supply of heroin towards Lambra on a Scooty bearing regd.No.PB-02-BZ-8694 and a Pulsar Motorcycle. If they are intercepted, heavy quantity of heroin could be

recovered from them. This information was treated reliable, hence the FIR was registered.

(3) ASI Jagdish Singh along with police party then went towards village Singha and Lallian Khurd and intercepted the petitioner and Dalbir Singh while both were going on the Scooty. Search was conducted in presence of a gazetted police officer and 500gm heroin was recovered each from the petitioner and Dalbir Singh.

(4) The petitioner is said to have further disclosed that Sandeep Singh and Dharamveer were present near Rampur Lallian Chowk for the purchase of heroin from them. Those two suspects were also arrested as per the petitioner's disclosure statement and a cash amount of ₹70000/- was recovered from them.

(5) The Chemical Examiner has given his report duly appended with the charge-sheet filed under Section 173 CrPC on 04.04.2014 that the contraband recovered from the petitioner has the contents of 63.8% diacetylmorphine (heroin).

(6) Having heard learned counsel for the parties, it does not appear expedient to release the petitioner on bail at this stage. We say so for the reasons that (i) the petitioner is alleged to have been apprehended along with heroin in his conscious possession; (ii) the quantity of the contraband recovered from his possession is of 'commercial quantity' hence Section 37(1)(b)(ii) of the NDPS Act is attracted; (iii) the petitioner, as per the allegations contained in the FIR, is in the business of supplying and selling heroin to the net-end consumers; (iv) it is thus not possible to form an opinion that he is not likely to commit the offence, if released on bail; (v)

the petitioner has not attributed any motive to police or anyone else for his implication.

(7) For the reasons afore-stated, we do not find it a fit case to release the petitioner on bail though his trial is directed to be expedited and the Special Court shall make an endeavour to conclude the same preferably by 31.07.2016.

(Surya Kant)
Judge

07.10.2015
vishal shonkar

(P.B. Bajanthri)
Judge

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