

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-15355 of 2015

Date of Decision: September 03, 2015

Surinder Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Rangi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.137 dated 24.08.2014 under Section 22 of NDPS Act, registered at Police Station Kurali, District SAS Nagar.

Notice of motion.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

Learned counsel for the petitioner argued that petitioner is a Teacher and is not concerned, in any way, with the recovery from co-accused Manmohan Singh and Kamaljit Singh and they have falsely implicated the petitioner. He further argued that there was an agreement to sell between the petitioner and co-accused Manmohan

Singh, which is Ex.P8, which resulted in false implication of the petitioner.

On the other hand, learned State counsel contested the petition by stating that petitioner's brother is a chemist and the petitioner was supplying capsules etc. to the co-accused.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The allegations against the present petitioner are under Section 29 of the NDPS Act and Rexcof bottles and Proxyvon Plus capsules have been recovered from co-accused. There is nothing on the record to show that accused-petitioner has been falsely implicated.

As regarding the agreement, it has been executed on 01.08.2014 and the sale deed was to be executed on 31.01.2015. The present FIR is dated 24.08.2014. There is nothing on the record that any dispute arose regarding this agreement to sell as the date for execution of the sale deed was yet to come when this FIR was registered. Therefore, on this ground, bail cannot be granted.

Challan has already been presented and the charges have already been framed.

Keeping in view the facts and circumstances of the present case, I do not find any merit in the present case and therefore, the same is dismissed.

September 03, 2015
Vgulati

(INDERJIT SINGH)
JUDGE