

Crl. Misc. No. M-15452 of 2015

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

Crl. Misc. No. M-15452 of 2015

Date of decision: 18.05.2015

Karamjit Singh Giri @ Karma

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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. Naveen Sharma, Advocate, for the petitioner.
Mr. S.S. Chandumajra, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.136 dated 26.05.2014 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Khanna, District Khanna.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner submits that in the FIR police has mentioned with regard to amphetamine whereas it is not possible for the police to identify the substance.

Police personnel are dealing with such cases daily, therefore, it is possible for the police official to know about the substance, however, ultimate result is subject to the FSL report. In the present case,

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petitioner remained on interim bail till the receipt of FSL report. As per FSL report, petitioner was in possession of commercial quantity of diphenoxylate hydrochloride powder. Besides this, petitioner has already been convicted in a case arising from FIR No.201 dated 03.10.2013 registered under Section 21 of the NDPS Act at Police Station Khanna, District Ludhiana.

Learned counsel for the petitioner while making reference to Annexure P-5 further contended that Notification dated 18.11.2009 (Annexure P-4) has not been approved by the Parliament and submits that since there is no notification, the prosecution itself is illegal.

Petitioner has not filed the quashing petition rather this is a petition for grant of regular bail. The contention raised by the learned counsel for the petitioner is not required to be considered on merit at this stage.

Since the contraband recovered from the petitioner is in commercial quantity and petitioner has already been convicted in aforesaid FIR, I am not inclined to grant regular bail to the petitioner.

Dismissed.

(Paramjeet Singh)
Judge

May 18, 2015
R.S.