

CRM-M-19893-2015

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

CRM-M-19893-2015

Date of Decision: 31.07.2015

Gurmeet Singh @ Deputy

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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. D.S.Kahlon, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.14 dated 12.01.2014, registered at Police Station Chheharta, District Amritsar, under Sections 21/22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act').

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is non-compliance of provisions of Section 50 of the NDPS Act. No public witness has been joined at the time of arrest of the petitioner.

Per contra, learned State counsel vehemently opposes the

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contentions of learned counsel for the petitioner and contends that recovery allegedly effected from the petitioner is commercial in nature.

I have considered the rival contentions of learned counsel for the parties.

Recovery of 300 grams of intoxicant powder containing diacetylmorphine allegedly effected from the petitioner falls within the category of commercial quantity. The contention of learned counsel for the petitioner with regard to false implication of the petitioner, non-compliance of Section 50 of NDPS Act and non-joining of independent witness at the time of arrest, cannot be appreciated at this stage as it is to be seen at the time of trial. Keeping in view the fact that recovery allegedly effected from the petitioner is commercial quantity and in view of prevalent situation of drug trafficking in the State of Punjab, no ground for grant of regular bail to the petitioner is made out.

Dismissed.

31.07.2015
parveen kumar

(Paramjeet Singh)
Judge