

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

CRM-M-287-2015 (O&M)

Date of decision : 19.02.2015

Tarsem Singh @ Samma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bipan Ghai, Sr. Advocate,
with Mr. Mandeep Kaushik, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Jagjit Singh.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure has been filed seeking regular bail in case FIR No.7 dated 09.10.2013, registered under Section 21/22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station SSOC, Amritsar.

It is contended that the alleged recovery was effected from the vehicle of which the petitioner is not the owner. Nothing has been recovered from the person of the petitioner. The sample drawn is also against the notification dated 13.06.1989, wherein, it is mandatory to draw sample of at least 24 grams. In the instant case, the sample taken

was only of 5 grams.

On the other hand, the learned State counsel, on instructions, states that the recovery effected from the petitioner is commercial in nature. The petitioner was apprehended from the spot. Challan stand presented and the trial is in progress. Out of fourteen prosecution witnesses, two have already been examined. One of the accused, namely, Gurminder Singh, has been declared proclaimed offender.

Heard.

Keeping in view the facts that the petitioner was arrested from the spot, the quantity allegedly recovered falls under the category of commercial quantity and the trial is progress at a satisfactory pace, no case for grant of bail is made out.

Dismissed.

19.02.2015

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(JITENDRA CHAUHAN)
JUDGE