

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

CRM-M-37978-2015 (O&M)

Date of decision : 17.11.2015

Harbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Gurvinder Kumar

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.35 dated 05.03.2015, registered under Sections 21, 24, 25, 27, 28, 29 of the Narcotic Drugs and Psychotropic Substances Act, Sections 25, 27 of the Arms Act and Section 66 of the Information Technology Act, at Police Station Sadar Jalalabad, District Fazilka.

There is no assistance on behalf of the petitioner, however, it has been averred in the petition that the petitioner has been falsely implicated in the present case. No independent witness was joined at the time of the alleged recovery. He is in custody since 08.03.2015.

On the other hand, the learned State counsel, on instructions, submits that eleven persons have been nominated as accused in the present case, out of which, nine have been arrested. The petitioner is the main accused. Twenty four gold biscuits, 1.6 kgs Heroine, one pistol .315 bore, two live cartridges, one .32 revolver, 25 cartridges, one Tata Safari car, two Pakistani sim cards and one Pakistani mobile phone have been recovered from the accused persons out of which 300 grams Heroine, one .315 bore pistol, two live cartridges have been recovered from the petitioner. The petitioner is involved in four more FIRs, whereas, the co-accused are collectively involved in as many as twenty more FIRs. The challan stands presented on 16.09.2015, whereas, the charges have been framed on 03.10.2015. The matter is now fixed for evidence.

Heard.

Keeping in view the fact that the quantity of contraband recovered from the petitioner falls under the category of commercial quantity, he is involved in four more FIRs and the serious nature of the allegations, no case for grant of regular bail is made out, at this stage.

Dismissed.

17.11.2015
atulsethi

(JITENDRA CHAUHAN)
JUDGE