

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

**CRM No.M- 43909 of 2014
Date of decision: 08.01.2015**

Satnam Singh @ Bhitchi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN.

Present: Mr. Gurcharan Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Narinder Singh.

JITENDRA CHAUHAN J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure has been filed by the petitioner seeking regular bail in case FIR No.119 dated 13.08.2013, registered under Section 22 of the Narcotric Drugs and Psychotropic Substances Act, 1985, at Police Station Division No.6, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of false complaint made by ASI Zail Singh. The petitioner, in fact, was not arrested from the spot and he was called to identify some accused. No recovery was effected from the possession of

the petitioner and the petitioner is in custody since 12.08.2013.

On the other hand, learned State Counsel, on instructions, states that the petitioner was arrested from the spot. The intoxicant powder weighing 60 gms, involved in the present case is commercial in nature. Recovery of intoxicant powder was effected from the person of the petitioner. Out of 9 prosecution witnesses, 3 witnesses have been given up whereas 2 witnesses stands examined and the case is now fixed for remaining evidence of the prosecution witnesses.

Heard.

Keeping in view the totality of circumstances and the fact that the recovery so effected is commercial in nature, this Court is not inclined to grant the concession sought by the petitioner.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

08.01.2015

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