

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

**CRM No. M-1034 of 2016
DECIDED ON: AUGUST 03, 2016**

HARDEV SINGH

.....PETITIONER

VERSUS

NCB CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent-NCB

JASPAL SINGH, J

This is a third petition preferred under Section 439 Cr.P.C. by Hardev Singh seeking regular bail in case NCB Crime No. 27 dated 19.07.2014 under Sections 08, 18, 29 and 60 of NDPS Act, 1985 registered at Police Station NCB, Chandigarh.

The contention of learned counsel for the petitioner is that the first petition preferred by the petitioner seeking bail vide CRM No. M-16258 of 2015 was dismissed as withdrawn vide order dated 15.07.2015 whereas, the second petition i.e. CRM No. M-40457 of 2015 was dismissed by this Court vide order dated 22.12.2015 simply on the ground that the counsel for the respondent made statement to the effect that four witnesses have been examined

out of five witnesses and now the case was listed for 23.12.2015 for the cross-examination of fifth witness. But in spite of the fact that afore-said statement was made by learned State counsel, an application was moved before learned trial Court seeking permission to summon two more witnesses, who were not mentioned in the list of witnesses, which has caused delay to conclude the trial.

This Court does not find any merit in the aforesaid submission made by learned counsel for the petitioner, especially in view of the fact that the petitioner and his co-accused were found in conscious possession of 5 kgs 200 gms of opium, which falls under the category of commercial quantity and in view of Section 37 of NDPS Act, petitioner is not entitled to the concession of bail.

Dismissed.

AUGUST 03, 2016
sham

(JASPAL SINGH)
JUDGE

Whether	Speaking/Reasoned	Yes/No
Whether	Reportable	Yes/No