

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

CRM No.M-23109 of 2016 (O&M)

Date of decision: 09.08.2016

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case FIR No.55 dated 02.08.2013, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sarai Amanat Khan, District Tarn Taran.

It is contended that petitioner has been falsely implicated in the instant case. The co-accused from whom allegedly 300 gms of heroin was recovered has already been admitted to bail by this Court. The petitioner is behind the bars since 09.10.2013.

On the other hand, the learned State counsel opposes the bail application and states that the recovery in the instant case is

commercial in nature.

Heard.

Considering the fact that the quantity attributed to the petitioner is commercial in nature and in view of the bar as provided under Section 37 of the Act, this Court feels that no case for bail is made out.

Dismissed.

However, keeping in view the fact that the petitioner is in custody since 09.10.2013 and the co-accused, namely Mandeep Singh and Gurjinder Singh have already been enlarged on bail by this Court, the trial Court is directed to conclude the trial expeditiously, preferably within three months from the date of receipt of certified copy of this order after listing the matter on day to day basis.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

09.08.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No