

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

CRM-M-24844-2016 (O&M)
Date of decision : 07.11.2016

Harbinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioner.

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

JITENDRA CHAUHAN, J. (Oral)

The instant 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.06 dated 26.04.2014, registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985; and Section 25 of the Arms Act; at P.S. SSOC, Amritsar.

It is contended that the petitioner has been falsely implicated in the instant case. He is not involved in any other similar case. The petitioner is in custody since 26.04.2014. He further states that at this stage, the petitioner would be satisfied, in case, a direction is issued to conclude the evidence of the official witnesses in a time-bound manner.

On the other hand, learned State counsel, on instructions, states that the recovery effected in this case is commercial in nature. However, she admits that most of the prosecution witnesses are official witnesses.

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authenticity of this document
Chandigarh

Heard learned counsel for the parties.

In this case, the contraband recovered from the petitioner falls under the category of commercial quantity and the bar of Section 37 NDPS Act applies. Therefore, no case for grant of bail is made out, at this stage. However, the prayer qua direction for concluding the evidence of the official witnesses is accepted.

Accordingly, the instant petition is dismissed, however, keeping in view the fact that the petitioner is behind the bars since 26.04.2014, the Commissioner of Police, Amritsar, is directed to ensure that the testimony of the official prosecution witnesses is concluded within a period of four months from the next date of hearing before the trial Court. The Officer concerned would ensure the communication of this order to the quarter concerned.

07.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No