

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

CRM-M-28464 of 2016 (O&M)

Date of decision : 03.10.2016

Sahil Kumar @ Shinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Simsi Dhir Malhotra, DAG, Punjab
assisted by ASI Sarwan Singh.

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 FIR No.222 dated 20.11.2014, registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Gate Hakima, District City Amritsar.

It is contended that the petitioner has been falsely implicated in the present case. The recovered quantity i.e. 260 grams of intoxicant powder (Diacetylmorphine), is marginally higher than the commercial quantity. The petitioner had never misused the concession of interim bail granted to him.

On the other hand, the learned State counsel submits that 260 grams of the intoxicant powder was recovered from the petitioner and as per

the report of the chemical examiner the same was found to be Diacetylmorphine. Therefore, as the intoxicant powder is 260 grams, same falls under the category of commercial quantity. She further states that out of ten prosecution witnesses, two have been examined so far.

Heard.

Considering the fact that the quantity in question is commercial in nature and that at this stage there is no evidence that the petitioner has not committed any offence, no case is made out for bail.

Dismissed.

However, keeping in view the fact that the report of the chemical examiner has been received, the trial Court is directed to conclude the trial expeditiously, preferably within four months from the date of receipt of certified copy of this order.

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

03.10.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: /Yes / No