

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28966 of 2016 (O&M)
Date of decision: November 09, 2016

Harwinder Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Krishan Sehajopal, Advocate for the petitioner.
Mr. V. Ram Swaroop, Addl. A.G. Punjab.

Rajan Gupta, J. (oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 22/61/85 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Phillaur, District Jalandhar, vide FIR No.73 dated 20.4.2015.

Incident pertains to 20.4.2015. Police led a barricade at Khanpur Canal bridge. A vehicle i.e. Honda Aviator was intercepted by the police. Two clean-shaven boys were sitting on the same. On seeing the patrol party, they tried to flee. However, they were nabbed on the spot. From the pocket of the petitioner, a polythene bag was recovered. Same contained 160 grams of intoxicating powder, which was found to be Diphenoxylate. Counsel for petitioner has vehemently submitted that it is yet to be ascertained as to which narcotic substance was recovered from petitioner or co-accused.

This court does not wish to express any opinion on the merits

of the case, as trial is pending. Five prosecution witnesses remain to be examined. This court hopes and trust that prosecution would not delay the matter any further and conclude its evidence at the earliest. However, no ground is made out for enlarging the petitioner on bail as he is alleged to have been in possession of narcotic substance, quantity of which is commercial in nature.

Dismissed at this stage.

(RAJAN GUPTA)
JUDGE

November 09, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No