

**CRM-34094-2016 in/and
CRM-M-30895-2016**

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

**CRM-34094-2016 in/and
CRM-M-30895-2016
Date of Decision: 03.11.2016**

Surinder Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sahil Puri, Advocate for
Mr. Vipin Mahajan, Advocate for
the petitioner.

INDERJIT SINGH, J.

CRM-M-30895-2016

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.397 dated 25.12.2008, registered at Police Station City Phagwara, District Kapurthala, under Sections 22, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act') and Section 25 of Arms Act, 1959 (deleted against the petitioner).

Notice of motion.

On the asking of Court, Ms. Shivali, learned Assistant Advocate General, Punjab has accepted notice on behalf of the respondent-State and contested this petition.

As per the allegations, heroin weighing 25 kgs was recovered.

**CRM-34094-2016 in/and
CRM-M-30895-2016**

The aforesaid recovery falls under commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity, therefore, no ground is made out to grant benefit of bail to the petitioner.

Learned counsel for the petitioner pointed out some lines from the cross-examination of PW 2 SI Param Sunil Singh to show that identity of accused has not been proved. The petitioner has already been challaned and charges have already been framed against him.

However, examination-in-chief of PW 2 SI Param Sunil Singh has not been placed on record. The trial is going on. At this stage, this Court is not supposed to appreciate the cross-examination of a witness without knowing the other evidence on record.

Furthermore, learned State counsel has brought into my notice that the present petitioner was earlier declared proclaimed offender and could be arrested after 05 years.

Keeping in view the fact that recovery effected in the present case falls in commercial quantity and in view of the fact that there is every possibility that if the petitioner is released on bail, he can misuse the concession of bail and may again abscond. Therefore, I do not find it a fit case where the petitioner is entitled for the concession of regular bail.

Dismissed.

CRM-34094-2016

This application has been filed under Section 439 read with Section 482 Cr.P.C. for grant of interim bail in the aforesaid FIR for a

**CRM-34094-2016 in/and
CRM-M-30895-2016**

period of two months to the petitioner on the ground that his wife is suffering from illness.

However, keeping in view the fact that the petitioner was declared proclaimed offender and could be arrested after 05 years, I find that if the petitioner is released on interim bail, he may again abscond. Moreover, recovery effected in the present case falls in commercial quantity.

Therefore, the petitioner is also not entitled for the benefit of interim bail.

Dismissed.

03.11.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No