

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

CRM No.M-9310 of 2016 (O&M)

Date of decision: 28.07.2016

Baljinder Singh @ Binder and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Ganga, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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.213 dated 17.07.2015, registered under Sections 21C and 22C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station City Mandi Dabwali, District Sirsa.

It is contended that petitioners have been falsely implicated in the instant case and the recovery has been planted upon them by the police. No offer for conducting the search was given to the petitioners, thus, there is clear violation of Section 50 of NDPS Act. The petitioners are in custody since 17.07.2015. In support of his contentions, the learned counsel cites **Baljinder Singh @ Bindi Vs. State of Punjab**, 2015(9) RCR (Civil) 426, **Kulwant Singh @ Happy Vs. State of Punjab**, 2016

(1) PLJ (Criminal) 159, Manju Vs. State of Punjab, 2015(9) RCR (Criminal) 41, Hardeep Singh @ Deepa Vs. State of Punjab 2016(1) Law Herald 54 and Ranjit Singh Vs. State of Punjab, Crl. Misc. No.M-17023 of 2015 decided on 27.05.2015.

On the other hand, the learned State counsel, submits that the quantity recovered falls under the category of commercial quantity. About 15 bottles of Rexcof have been recovered from the petitioners.

Keeping in view the fact that the quantity allegedly recovered in the instant case is commercial and in view of the bar as provided under Section 37 of the NDPS Act, no case for grant of relief sought, is made out. The ratio of the case law cited by the learned counsel is distinguishable on facts and will not apply to the facts of the present case.

Dismissed.

However, keeping in view the fact that the petitioners are in custody since 17.07.2015, the trial Court is directed to conclude the trial expeditiously, preferably within six 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.

28.07.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No