

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

**Crl. Misc. No.M-43091 of 2016 (O&M)
Date of Decision: January 24, 2017.**

Gurdeep Singh @ Shivari

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. V.K. Sandhir, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 62 dated 09.02.2015 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station 'A' Division, Amritsar, for recovery of 250 gms of intoxicating powder containing Alprazolam from his possession.

Learned counsel for the petitioner has argued that the version of recovery as given in the FIR is similar as recorded by the police in every FIR. As per prosecution case, police party headed by ASI Harmanjit Singh was going from G.T. Road Pingalwara Sahib to Tehsilpura, Amritsar, when the petitioner was witnessed and on search, a plastic bag containing intoxicant powder was recovered from his possession. The petitioner has

been falsely implicated in this case by showing recovery of commercial quantity of contraband so that he may not get bail.

At this stage, learned counsel for the petitioner has not come up with any version giving reason for false implication of the petitioner. The trial of the case is in progress. The prosecution has to prove its version regarding recovery of contraband from the petitioner. The recovery effected from the petitioner is commercial quantity of intoxicant. While disposing of the bail application, it is not justifiable to comment on the version of the prosecution regarding recovery of contraband from the petitioner, which is a matter to be seen by the trial Court.

Keeping in view the above facts, I find no merits in this bail application. The same is dismissed.

January 24, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***