

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

CRM No.M-14616 of 2018 (O&M)

Date of Decision: July 13, 2018

Salwinder Singh alias Kinda

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Jaswal, Advocate
for the petitioner.

Mr.Karanbir Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

CRM No.19412 of 2018

The application is allowed, subject to all just exceptions.

Annexures P-3 and P-4 are taken on record.

CRM No.M-14616 of 2018

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.140 dated 29.11.2017 under Section 22 of the NDPS Act, registered at Police Station Chohla Sahib, District Tarn Taran.

Notice of motion was issued. Learned State counsel appeared

and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that present petitioner was apprehended by the police on the spot. 1500 tablets without label and 1500 tablets of Alprazolam were recovered from the petitioner and this recovery falls under commercial quantity. Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

Learned counsel for the petitioner contended that petitioner has been falsely implicated in the present case. He was apprehended along with another person, but separate FIRs were registered and no recovery has been effected from the petitioner and he has been falsely implicated in this case. Learned counsel for the petitioner further contended that other person has already been released by the Court.

First of all, I find that the defence of petitioner is to be proved by him before the trial Court. At this stage, nothing has been shown that any representation has been filed before higher authorities nor the petitioner has filed any application to the senior officers regarding his false implication.

Keeping in view the facts and circumstances of the present case and recovery being commercial quantity from the petitioner, I do not find it a fit case where petitioner is entitled to benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed. The order dated 24.05.2018 granting interim bail to the petitioner stands vacated. The petitioner is directed to surrender before the Court concerned within three days. If the petitioner does not surrender, then the

custody.

A copy of this order be sent to the Court below for strict compliance.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 13, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No