

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

**CRM-M No. 1954 of 2018
DATE OF DECISION :- March 01, 2018**

Swaran Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. R.S. Gill, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

This petition for regular bail has been filed by petitioner Swaran Singh @ Sonu, an accused in F.I.R. No. 63 dated 22.6.2017 under Section 22 of the NDPS Act, registered with Police Station Fatehgarh Panjtoor, District Moga.

Briefly stated the facts of the case as per the prosecution story are that on 22.6.2017, a police party from Police Station Fatehgarh Panjtoor, District Sangrur, while being present in the area of near Atta Chakki (Flour Mill) of Mangal Singh had intercepted a motorcycle and apprehended the riders. Those riders disclosed their names as Avinash Chander and Swaran Singh @ Sonu (present petitioner). Swaran Singh @ Sonu was holding a polythene bag, which on being searched was found to contain 900 intoxicating tablets. Samples were drawn from there as per law.

Accused were arrested in this case. After completion of

investigation they were challaned.

Accused Swaran Singh @ Sonu had filed a petition for regular bail before Judge Special Court, Moga, which was however dismissed vide order dated 5.12.2017, as such he has approached this Court craving for grant of similar relief. The request is being opposed by learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner while referring to the report from Forensic Science Laboratory, Mohali, Punjab has submitted that on opening of parcel 10 loose tablets of peach colour were found. Each tablet having average weight of 119 mg, whereas Ex. P2 was found to contain 9 loose tablets of peach colour having average weight of 113 mg per tablet and as per report the Alprazolam was found to be 0.41 mg per tablet. Therefore, it cannot be said that the recovered contraband constituted commercial quantity attracting provisions of Section 37 of the NDPS Act.

Learned counsel for the petitioner states that the petitioner is behind bars since 22.6.2017. The conclusion of trial is likely to take some time, as such he be granted regular bail, whereas learned State counsel is opposing the request tooth and nail stating that the petitioner along with his co-accused was found in possession of contraband which constitute commercial quantity. He was involved in another case under NDPS Act in F.I.R. No. 62 of 2014 under Section 22 of the NDPS Act. Though he is shown to have been acquitted in that case but then the fact remains that he has got past criminal record and if granted concession of bail, there is every

likelihood of his trying to tamper with the prosecution evidence.

According to learned State counsel, bar of Section 37 of the NDPS Act is applicable in this case. Therefore, bail be not granted to the petitioner.

After hearing the rival contentions, I find that keeping in view the facts and circumstances of the case and the quantity of contraband recovered from him, no ground for grant of regular bail to the petitioner is made out. Therefore, the petition stands dismissed. However, the trial Court is directed to expedite the trial by giving short adjournments and to conclude the proceedings expeditiously preferably within a period of six months from the date of receipt of copy of this order in the said Court.

(H.S. MADAAN)
JUDGE

March 01, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No