

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
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CRM-M-29760-2018 (O&M)

Date of decision:07.08.2018

Harjit Singh @ Jeeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

This is the second petition for grant of bail pending trial in case FIR No. 08 dated 12.09.2017 under Sections 15, 61, 85 of NDPS Act, registered at Police Station Special Task Force, Phase-4, SAS Nagar, District SAS Nagar Mohali.

Learned counsel for the petitioner contended that the petitioner is not involved in this case. In fact, the petitioner was taken into custody by the police on 11.09.2017 without any reason at village Jatana Uchha. But later on, he has shown to have been arrested on 12.09.2017. It is further contended that the petitioner is a small transporter and the alleged recovery is not on higher side; since upto 50 kg of poppy husk is non-commercial quantity. The petitioner is not required for any further investigation, therefore, the petitioner be released on bail.

On the other side, learned counsel for the State has submitted that the alleged recovery in this case is of 75 kgs of poppy husk, which is not a small quantity. It is further contended that even the procedure regarding search was duly followed and the petitioner had been given all opportunity for exercising his right either to be searched in the presence of a

Gazetted Officer or a Magistrate. Since the petitioner had opted for being searched in the presence of Gazetted Officer, therefore, the Superintendent of police, Special Task Force was called on the spot. On being searched by him, 3 bags of poppy husk, each containing 25 kgs, was recovered from the truck of the petitioner. It is further contended that the charges have already been framed and two witnesses have already been examined.

In view of the above fact that the huge quantity of poppy husk has been recovered from the petitioner even during the search by a Gazetted Officer; this Court has no reason to believe that the petitioner is not involved in the commission of present offence. Moreover, the prosecution evidence has already been started and two witnesses have been examined by the prosecution. Therefore, this Court does not find any reason for grant of bail to the petitioner during the pendency of the trial.

Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

07.08.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No