

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

CRM-M-38274-2018

Date of decision:08.10.2018

Juj Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravi Malohtra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Hardial Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.71 dated 11.06.2016 under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Harike, District Tarn-Taran. While one kilogram of Heroin was recovered from the accused when he was apprehended on 11.06.2016 which was tied around his waist, subsequently upon his disclosure statement made on 13.06.2016 he got recovered another one kilogram of heroin. Thus, the total recovered heroin at his instance is about two kilograms.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that although challan was filed way back on 06.12.2016, the trial Court has not made any headway inasmuch as not even a single prosecution witness has been examined so far.

On the other hand learned State counsel has submitted that said contention of learned counsel for the petitioner that he has been falsely implicated cannot be accepted in view of the huge recovery of the Heroin and that too made on two instances, firstly when he was apprehended and secondly upon his disclosure statement and that in case, the petitioner was to be falsely implicated the second recovery was not required.

Having heard rival submissions addressed before this Court and bearing in mind that this is a case of 'commercial quantity' where huge quantity of Heroin has been recovered from the petitioner, I do not find any ground to grant concession of bail to the petitioner especially since apart from the recovery at the spot another one kilogram of Heroin was recovered at the instance of the petitioner which would tend to show that the petitioner is indeed into supplying Heroin. The petition, as such, is dismissed. However, since not even a single witness has been examined so far, a direction is issued to the trial Court to expedite the matter and to endeavour to dispose of the same expeditiously preferably within a period of 'Nine Months' from today. The prosecution and the Senior Superintendent of Police concerned shall ensure the presence of witnesses on all the dates fixed by the trial Court.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands dismissed accordingly.

08.10.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**