

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

205

CRM-M-1753-2019 (O & M)
Date of Decision:26.02.2019

Gagandeep @ Guni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

The present petition has been filed by the petitioner for grant of regular bail in case FIR No.218 dated 05.08.2018 under Section 22 of the NDPS Act,1985 and Section 25 of the Arms Act, 1959, registered at Police Station Samrala Ludhiana, District Ludhiana.

The prosecution case is that on 05.08.2017, the petitioner along with his co-accused was apprehended having conscious possession of 270 grams of intoxicating powder. As per the report of the Chemical Examiner, intoxicating powder was found to be containing diacetylmorphine i.e. heroin.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that the petitioner is in custody since 15.08.2017 i.e. for more than one year and five

months. He submits that the conclusion of the trial would take sufficient time, therefore, no useful purpose would be served for detaining the petitioner behind bars.

On the other hand, the learned State counsel has opposed the bail application on the ground that the recovery of 270 grams of intoxicating powder is of commercial quantity and there is also a recovery of one country made pistol along with eight live cartridges from the petitioner.

Considering the above and the seriousness of the offence, no case for grant of regular bail is made out.

Petition is dismissed.

26.02.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No