

S.No.220

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

CRM-M-28878 of 2019 (O&M)

Date of Decision:15.07.2019

Heera SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Kirat Singh Sidhu, DAG,
Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.45 dated 14.02.2019 registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Khanna, Police District Khanna (Punjab).

Learned counsel for the petitioner submits that recovery upon the petitioner is totally planted. It is further submitted that the petitioner was, in fact, at some other place, at the time when the petitioner is stated to have been arrested by the Police. There are even CCTV footage of the toll plaza to substantiate this fact. It is further submitted that subsequently, the petitioner was kept in illegal custody despite the orders of the Court, and for that, the action has been taken against the concerned Police officials. It is further submitted that it is the first case against the petitioner and that the petitioner is in custody since 14.02.2019.

On the other hand, learned State Counsel submits that there is heavy recovery of 9.530 kg of Opium from the car which was owned and

being driven at the relevant time by the petitioner only. Still further, it is submitted that all the provisions regarding the recovery have been duly complied with. The recovery of the substance has been effected in the presence of the Gazetted Officer. The petitioner was produced before the Magistrate on the very next day. Therefore, there is no scope for false implication of the petitioner or for implanting the false recovery upon him. So far as the illegality committed by the Police officials after the arrest of the petitioner is concerned, the State Counsel has pointed out that the said Police officers are facing the consequences for their illegalities that cannot be made a basis for grant of bail to the petitioner, who has been found in possession of heavy quantity of contraband material.

In view of the above, but without commenting any further upon merits of the case, this Court does not find any ground to grant bail to the petitioner at this stage.

Dismissed.

July 15, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No