

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

205

CRM-M No.5216 of 2020 (O&M)
DATE OF DECISION : 26th NOVEMBER, 2020

Balkar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Sanjeev Manhas, Advocate for the petitioner.

Mr. V. G. Jauhar, Sr. DAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-23294-2020

This is an application filed under Section 482 Cr.P.C. for preponing the date of hearing of the main case.

In view of the fact that the main case is fixed for today itself, the present application is dismissed as infructuous.

CRM-M No.5216 of 2020

The present third petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.98 dated 04.08.2018 registered under Section 22 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (Section 29 of the NDPS, added later on), at Police Station Doraha, District Ludhiana.

At the outset, it deserves to be mentioned here that the same matter had come before this court twice earlier. However, since this

court was not agreeing with the counsel for the petitioner, the said petitions were got dismissed as withdrawn. Therefore, this is the third attempt by the petitioner praying for regular bail by way of this petition.

As per the allegations; the police party was present in front of Rajwant Hospital, GT Road, Doraha at Khanna-Ludhiana road in connection with patrolling. At about 11am a Sikh person was seen coming from Doraha Bus stand after alighting from the bus. The said person was carrying one bag of brown colour in his right hand. On seeing the police party he got perplexed and tried to turn back. On this, the complainant-ASI had suspicion and apprehended the said person with the help of his companion officials. On asking, he told his name as Balkar Singh, who is the present petitioner. After following the requirements for search; the search of the petitioner was conducted. On search 480 strips of intoxicate tablets mark Lomotil, each strip having 60 tablets, in total 28800 tablets, having a batch number recorded on the same was recovered. Besides this, 20 strips of intoxicate tablets mark Nitratvet, each strip having 30 tablets, in total 600 tablets having batch mark written on that and 4500 capsules of Parvon Spas were recovered. Still further, 430 capsules of SPM-PRX were also recovered. Accordingly, the FIR was registered.

Arguing the case, learned counsel for the petitioner has submitted that the petitioner is in custody for about two years and three months. It is also submitted that the search was made by the ASI only. Hence, the recovery itself is doubtful. The counsel also submitted that there is no other case against the petitioner.

Notice of motion.

Mr. V. G. Jauhar, Sr. DAG, Punjab, accepts notice on behalf of the State. It is submitted by the counsel for the State that there is very

heavy recovery of three different kinds of intoxicants from the petitioner. It is further submitted by the counsel for the State that the recovery was effected from the bag held by the petitioner. Therefore, the search conducted by the ASI himself is valid in the eyes of law. It is also submitted that; otherwise also; the option of search before a Gazetted officer was given by the ASI, however the petitioner had reposed faith in the said ASI only. Hence, the petitioner cannot raise the dispute regarding validity of the recovery at this stage. It is also submitted that out of 12 witnesses, cited in the case, prosecution has already produced 08 witnesses before the trial court. The trial is proceeding in the right earnest. Hence the petitioner does not deserve any concession of bail pending trial.

Having heard learned counsel for the parties and having perused the case file, this court finds that there is allegation of a very heavy recovery of prohibited substances against the petitioner. The nature of the intoxicants recovered from the petitioner is also alleged to be of three different kinds. Still further, the counsel for the State has rightly pointed out that the trial is proceeding in the right earnest. Therefore, this court does not find any ground to release the petitioner on bail pending trial.

In view of the above, without commending anything on merits of the case, the present petition is dismissed.

26TH NOVEMBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>