

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

206

**CRM-M-13043-2020
Date of decision : 16.06.2020**

Daljinder Singh alias Jindu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.145 dated 10.07.2019 registered under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1881 (for short 'the NDPS Act') at Police Station Nathana, District Bathinda.

Briefly stated the case of the prosecution against the petitioner is that on 10.07.2019 the police party headed by ASI Amrinder Singh apprehended the petitioner in the area of Village Lehra Mohabbatat. On search in the presence of Deputy SP Jaswinder Singh recovery of 1795 strips of Clovidol-100 SR containing 10 tablets each totalling 17950 tablets was made from the petitioner.

The petitioner, who is in custody since his arrest and was charge-sheeted on completion of investigation to face the trial, has filed the present petition for grant of regular bail which is opposed by learned State Counsel.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The mandatory provisions of the NDPS Act were not complied with. The complainant himself was the investigating officer of the case. Sample was taken before the Judicial Magistrate, First Class and not on the spot. The car belonged to one Surjit Singh who has not been arrayed as accused or witness for the prosecution. The petitioner is not involved in any other case under the NDPS Act. The trial is likely to take long time. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the recovery of commercial quantity of 17950 tablets of Clovidol-100 SR was made from the petitioner. The petitioner was apprehended by ASI Amrinder Singh but the case was investigated by ASI Ranjit Singh. In view of the gravity of accusation, the petitioner does not deserve grant of regular of bail.

The questions as to whether the complainant himself was the investigating officer and whether there was non-compliance with the mandatory provisions in search and sampling and if so what is the effect thereof and also as to other objections raised by the petitioner can be decided on merits on the basis of evidence to be produced during trial and cannot be gone into and determined by this Court at this stage.

Keeping in view the facts and circumstances of the case, recovery of commercial quantity of the contraband from possession of the petitioner, applicability of rigors of Section 37(b)(b) of the NDPS Act and there being no material to satisfy the requirements thereof coupled with the fact that trial can be expedited, I am of the considered view that the petitioner does not deserve grant of regular bail.

In view of the above, the petition is dismissed.

16.06.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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