

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22737 of 2019
DATE OF DECISION:29.01.2020

Jeewan Singh @ Jeena

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C. is for grant of regular bail to petitioner-**Jeewan Singh @ Jeena** in case F.I.R. No.40 dated 25.06.2018 under Sections 21, 22, 25 and 29 of NDPS Act, 1985 (hereinafter to be referred to as 'Act, 1985') registered at Police Station D Division, Police Commissionerate Amritsar, District Amritsar.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally false, concocted and frivolous and there is no iota of truth therein. He further urges that alleged recovery is highly doubtful as mandatory provisions of Act, 1985, have not been complied with. He further submits that petitioner is in custody since

25.06.2018. He further urges that challan has already been presented in the Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner (accused) in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that petitioner was apprehended while having conscious possession of 255 grams heroin containing “Diacetylmorphine”, which is a Narcotic Drug under the provisions of Act, 1985. He further submits that FSL report depicting nature of contraband as “Diacetylmorphine” has already been received from quarter concerned. He further submits that contraband so recovered falls under commercial quantity. He further submits that that in the same sequence 260 grams heroin was recovered from co-accused Nishat @ Robin. He further submits that keeping in view gravity of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner was apprehended while having conscious possession of 255 grams heroin containing “Diacetylmorphine”, which is a Narcotic Drug under the provisions of Act, 1985, and the said contraband falls in commercial quantity, thus, keeping in view gravity of offence, petitioner does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

29.01.2020
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(LALIT BATRA)
JUDGE

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