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

CRM-M-29644 of 2020

Date of decision: October 01, 2020

Sukhmeet Singh @ Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navneet Jindal, Advocate for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.18 dated 12.03.2019, under Sections 22, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Jourkian, District Mansa.

As per prosecution case, on 12.03.2019, police apprehended the petitioner as well as his co-accused, namely Sikandar Singh leading to the recovery of 900 tablets of Tramadol from both of them.

Contends that petitioner is in custody since 23.04.2019, after investigation in the matter, challan was presented and even, the charges have already been framed. Also contends that trial will take

long time to be concluded due to prevailing situation, thus, prays for release of the petitioner on bail pending trial.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official, but opposed the prayer of the petitioner on the ground that recovery is commercial in nature; and moreover, apart from one conviction, he is facing one more case in FIR No.30 dated 09.04.2018 under Section 22 of the NDPS Act and Section 18(c) of Drugs and Cosmetics Act, 1940, registered at Police Station Rori, District Sirsa.

Heard both sides and perused the paper-book.

It transpires that as per recovery memo, 900 tablets of Tredol-100 mg along with one motorcycle were recovered from the petitioner and his co-accused. Contraband was sent to the Regional Testing For NSIC Science Laboratory Bathinda for analysis and according to FSL report dated 11.04.2019, ingredient of Tramadol Hydrochloride was found present.

Concededly allegations against the petitioner are that recovery of 900 tablets of Tramadol was effected from him as well as his co-accused. Since recovery is commercial in nature, charges have already been framed, therefore, in view of embargo under Section 37 of the NDPS Act, merely on the ground of delay in trial, this Court does not deem it appropriate to release the petitioner on bail pending trial.

In view of the above, this Court has no other option except to dismiss the present petition.

Dismissed.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

October 01, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No