

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32694-2020 (O&M)
Date of Decision: 22.12.2020

Gurpiar Singh @ Sonu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Manu Loona, Advocate,
for the petitioner.

Mr. Mehardeep Singh Dulat, Addl. A.G., Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

CRM-28084-2020

This is an application for placing on record accompanying documents as Annexures P-5 and P-6.

For the reasons mentioned in the application, the same is allowed. Accompanying documents i.e. Annexures P-5 and P-6 are taken on record, subject to all just exceptions.

Main Case

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0159 dated 13.11.2019, under Sections 22, 61 and 85 of the NDPS Act, registered at Police Station Bhawala, District Fazilka.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and that there is no case

against the petitioner. He has further submitted that the allegations against the petitioner were that he was caught on the spot and the alleged recovery of 3500 tablets of Tramadol Hydrochloride was made but in fact he was not involved in this case and the aforesaid tablets were planted upon the petitioner. He has further submitted that the petitioner is in custody for over one year. Therefore, he may be considered for grant of bail.

On the other hand, the learned counsel for the State has submitted that it is a case where the petitioner was caught on the spot and after following the procedure as contained under the NDPS Act, the petitioner was arrested and the recovered contraband is a huge quantity which is 3500 tablets of Tramadol Hydrochloride and falls in commercial quantity and the petitioner is not entitled to bail. He has further submitted that as per the FSL report, it has been found that the ingredients present was Tramadol Hydrochloride and since it was a commercial quantity, the bar contained under Section 37 of the NDPS Act would be attracted and has therefore, prayed for dismissal of the present petition.

I have heard learned counsel for the parties.

The petitioner in the present case was caught on the spot as per the prosecution story and allegedly recovery of 3500 tablets of Tramadol Hydrochloride was made from the possession of the petitioner. In the present case, the petitioner although may not be involved in some other case but the fact remains that the bar contained under Section 37 of the NDPS would be attracted. The learned counsel for the petitioner has not been able to provide any ground for making departure from the bar contained under Section 37 of the NDPS Act.

Consequently, this petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.12.2020
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No