

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38302 of 2020

Date of Decision : 27.11.2020

Gurmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurjeet Singh Kaura, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.202 dated 04.10.2019 under Section 22 of the NDPS Act, 1985 registered at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present case and in fact no recovery was done from the petitioner. Learned counsel for the petitioner further argues that the story, which has been put upon in the FIR is totally fabricated and unbelievable and therefore, the same be disbelieved and the petitioner who is already behind the bars for the last more than one year be granted the benefit of regular bail.

Learned State counsel submits that the banned drugs have been recovered from the petitioner and that too in a commercial quantity. Learned State counsel further submits that approximately five thousand tablets of

banned drugs have been recovered from the petitioner and therefore he be not granted the benefit of regular bail keeping in view the provisions of Section 37 of the NDPS Act, 1985.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The recovery of the banned drugs, which has been effected from the petitioner is quite a lot. 5000 tablets is approximately 2kg of the banned drugs, which is a commercial quantity. With regard to the assertions of the learned counsel for the petitioner that the petitioner has been wrongly involved in the present case, the same can only be proved at the time of trial. Learned counsel for the petitioner is asking this Court to adjudicate upon the allegations alleged in the FIR so as to hold that the petitioner is innocent while considering the prayer of the petitioner for the grant of regular bail and that too on probability, which is impermissible, at this stage. Once the commercial quantity of the banned drugs has been recovered from the petitioner, no ground is made out to grant the petitioner the benefit of regular bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 27, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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