

CRM-M No.41306 of 2020 (O&M)
DATE OF DECISION: 10.12.2020

Ajay Kumar Jindal

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Pardhuman Garg, Advocate for the petitioner

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.237 dated 25.12.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) at Police Station City Kotkapura, District Faridkot and all subsequent proceedings arising therefrom.

In the present case, on the basis of the disclosure statement of the petitioner herein, which was recorded in the presence of the DSP, a polythene bag containing boxes of intoxicant tablets Tramadol (a total of 3560 tablets) was recovered. As per the FSL Report, the quantity falls under the heavy commercial quantity.

The learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case inasmuch as he had contested the Municipal elections in the year 2015 as an independent candidate and since then the people from the influential political parties have been nursing a grudge against him and trying their best to implicate him in false cases, the present being one of them. The learned counsel has further raised arguments on the merits of the case.

Learned State counsel, on instructions from ASI Bhupinder Singh, has stated that a very heavy commercial quantity of 3560 tablets containing salt Tramadol weighing 1 kg and 302 grams was recovered in the present case and challan has since been presented. He further contends that the argument of the learned counsel for the petitioner that the petitioner has been falsely implicated in the case is falsified in view of the fact that there is another case under the NDPS Act pending against him.

I have heard the learned counsel for the parties.

In the present case, on the basis of the disclosure statement of the petitioner, a heavy commercial quantity of 3560 tablets of Tramadol was recovered. Further, the learned State counsel, on instructions from ASI Bhupinder Singh, has stated that the challan has since been presented in the case and as per the FSL Report the total weight of the intoxicant substance comes to 1 kg and 302 grams, which clearly falls under a heavy commercial quantity.

In view of the above, I do not find this to be a fit case to interfere. The petition is dismissed.

The petitioner would, however, be at liberty to raise all the pleas taken in the petition before the Trial Court.

**(ALKA SARIN)
JUDGE**

10.12.2020
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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