

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

CRM-M No.3646 of 2020

Date of decision : February 12, 2021

Iqbal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Satnam Singh Gill, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.85, dated 08.07.2019, registered under Sections 15/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') at Police Station Longowal, District Sangrur.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The Investigating Officer had not complied with the provisions as contained under Section 42 of the Act. Hence, the investigation stands vitiated on account of non-compliance of the mandatory provisions. It is further submitted that the petitioner is in custody since 08.07.2019. The prosecution evidence has not even begun. Hence, the petitioner deserved to be released on bail pending trial.

Notice of Motion.

Ms. Bhavna Gupta, DAG, Punjab, accepts notice on behalf of the State.

State counsel, being instructed by ASI Ram Singh, has submitted that the petitioner is involved in heinous crime. There is heavy recovery of 1740 intoxicant tablets of prohibited substance; containing tramadol, from the petitioner. Besides this, there is recovery of one kilogram of poppy husk from the petitioner. Since, the recovery from the petitioner happens to be commercial quantity, therefore, the petitioner does not deserve to be released on bail pending trial. Further, it is submitted by the counsel that the prosecution evidence could not be led only because of prevalent COVID-19 situation. However, now proper functioning of the Courts has started, therefore, the prosecution would make earnest efforts to complete their evidence at the earliest possible.

Having heard counsel for the parties, this court finds that recovery allegedly effected from the petitioner is of commercial quantity. Therefore, this Court does not deem it proper to grant bail pending trial to the petitioner.

Hence, the present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

February 12, 2021

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No