

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

CRM-M-21044-2021

Date of decision : 02.06.2021

Buta Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gaurav Sidhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.57 dated 20.06.2020 under Sections 22, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Zira.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and further that the co-accused has since been granted bail by this Court in CRM-M No.7572 of 2021.

Learned counsel for the State on instructions from ASI Dilbag Singh has contended that the petitioner was apprehended at the spot along with 1100 intoxicant tablets of Clovidol-100 SR containing salt Tramadol Hydrochloride and the total weight of the same comes to 448.67 grams, which clearly falls within the category of commercial. Learned counsel for the State has further pointed out that that bail granted to the co-accused in CRM-M No.7572 of 2021 was on the basis that the co-accused had been nominated on the basis of the disclosure statement of the petitioner herein.

Heard learned counsel for the parties.

In the present case, the petitioner was apprehended at the spot with 1100 intoxicant tablets of Clovidol-100 SR containing salt Tramadol Hydrochloride and the total weight of which comes to 448.67 grams which clearly falls within the category of commercial quantity. Further the reliance by learned counsel for the petitioner on the order granting bail to the co-accused in CRM-M No.7572 of 2021 is wholly misplaced inasmuch as a perusal of the said order clearly reveals that co-accused therein was granted bail only on the ground that the petitioner therein had been nominated on the disclosure statement of the petitioner herein. It has further been noticed in the said order that recovery also was from the conscious possession of Buta Singh i.e. petitioner herein.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. Accordingly, the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

02.06.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO