

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

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**CRM-M-23164-2021
Decided on : 30.06.2021**

Gurbir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. T.P.S. Bhatti, Advocate,
for the petitioner(s).

Mr. H.S. Multani, AAG, Punjab
assisted by ASI Amrit Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 215, dated 23.10.2020, under Section 21 of NDPS Act No.61 of 1985, registered at Police Station Chheharta, District Police Commissionerate Amritsar.

On a pointed query put to learned counsel for the petitioner as to what was the substantial change in circumstances, which would warrant acceptance of the second petition filed under Section 439 Cr.P.C. It has been submitted that subsequent to the earlier petition having been withdrawn on 03.03.201, report under Section 173 Cr.P.C. has been presented along with the Chemical Examiner's report. It has been further submitted that the petitioner has been in custody since 23rd October, 2020, for being found in possession of 255 grams of heroin. Learned counsel has submitted that it is a case of false implication and even assuming that the said recovery was effected from him, it is just marginal higher than the

prescribed commercial quantity. He has also submitted that the petitioner does not have any criminal antecedents and hence he be extended the concession of bail as there is no likelihood of the trial concluding in the near future.

Per contra learned State counsel while opposing the prayer and submissions of learned counsel for the petitioner, on instructions from ASI Amrik Singh, has apprised the Court that though recovery of 255 grams of heroin was effected from the petitioner which is marginal higher than the minimum prescribed under the commercial category, however, one cannot loose sight of the fact that both the petitioner as well as the co-accused were travelling together on a motorcycle and a recovery of 250 grams of heroin was also effected from the co-accused. Hence, the total recovery effected would come to 520 grams, which is much higher than the minimum quantity prescribed under the commercial category.

Heard.

Prima facie, there are serious allegations levelled against the petitioner of having been found in possession of 520 gms of heroin alongwith the co-accused, for which he does not deserve the concession of regular bail.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

June 30, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*