

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

CRM-M-25887-2020 (O&M)

Date of decision: 17.08.2021

Daler Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Brijesh Nandan, Advocate for the petitioner
Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is third petition for grant of bail pending trial in a criminal case arising from FIR No. 54, dated 19.04.2018, registered under Section 22 of the NDPS Act, 1985, at Police Station Bhikhiwind, District Tarn Taran.

As per the case of the prosecution, the petitioner was apprehended with 1000 tablets of Microlit containing prohibited substance under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the '1985 Act'), apart from 500 loose unlabelled tablets. The petitioner is a previous convict under the 1985 Act. There are two more criminal cases against the petitioner under the 1985 Act.

Learned counsel for the petitioner contends that the investigating officer is only an ad-hoc Assistant Sub Inspector and therefore, not competent to investigate the case. He further contends that

since all the loose tablets were not sent for analysis to the Forensic Science Laboratory, therefore, the petitioner is entitled to the concession of bail.

On the other hand, learned counsel representing the respondent contends that a specific affidavit has been filed to the effect that the investigating officer is a regularly promoted Assistant Sub Inspector. He further contends that even if 500 loose tablets are ignored, even then the recovery effected from the petitioner falls in the category of commercial quantity.

Keeping in view the aforesaid facts, this Bench is not inclined to grant the concession of bail to the petitioner, particularly, when he is a previous convict under the 1985 Act and there are other criminal cases pending against him.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

17.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE