

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

CRM-M-32849-2019 (O&M)

Date of decision: 22.04.2021

Charanjit Singh @ Channa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Suresh Pal, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Charanjit Singh @ Channa, an accused in FIR No.55 dated 30.06.2017, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Mallanwala, Ferozepur.

As per prosecution story, on 30.06.2017, when apprehended by the police party in the area of Manochahal, within jurisdiction of Police Station Mallanwala, petitioner/accused Charanjit Singh @ Channa was found in conscious possession of 100 gms intoxicant powder comprising Diphenoxylate; formal FIR in the matter was recorded; the investigation in the case started; the sample drawn from recovered contraband had been sent to the office of chemical examiner for analysis;

petitioner/accused had filed an application for grant of interim bail till receipt of report from chemical examiner; that application was accepted and he was granted interim bail; subsequently, report was received from the chemical examiner, which was in positive; the recovered intoxicant powder came within definition of commercial quantity; as such, on account of bar of Section 37 of the Act, the application for regular bail filed by the petitioner/accused was dismissed by Judge, Special Court, Ferozepur, vide order dated 19.03.2019. As such, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

The contraband recovered in this case amounts to commercial quantity. Section 37 of the Act clearly provides that every offence punishable under the Act shall be cognizable and no person accused of an offence involving commercial quantity etc., shall be released on bail, if the petition is opposed by the Public Prosecutor, unless, the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any offence while on bail. Keeping in view the facts and circumstances of the case, I do not find any reason to record satisfaction required by this provision. Therefore, due to bar of Section 37 of the Act, the petitioner is not entitled to grant of regular bail.

Learned counsel for the petitioner has raised certain contentions like there being violation of Section 50 of the Act etc., but

these contentions go to merit of the case and are within domain of the trial Court. This Court is not to hold a parallel trial, so as to look into such like aspects. The limited concern of this Court is to see whether any case for grant of regular bail to the petitioner/accused is made out or not. The answer is in negative. Therefore, the petition stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

22.04.2021

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(H.S. MADAAN)
JUDGE

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