

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48235 of 2019
Date of decision:04.03.2021

Pankaj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in FIR No.184 dated 01.11.2018 registered under Sections 22 and 29 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) at Police Station Division No.5, Jalandhar, District Jalandhar.

Counsel for the petitioner has argued that the petitioner has been falsely framed in the case and he has clean antecedents. He has urged that the mandatory provisions of NDPS Act have not been complied with and the petitioner is likely to be acquitted after trial. He has argued that the investigating officer and the complainant are one and the same person,

therefore, the entire trial is vitiated.

Per contra, State counsel has opposed the petition upon instructions from ASI Sudesh Kumar. He submits that heavy quantity of 1700 intoxicating capsules containing 1020 grams Tramadol Hydrochloride has been recovered from the petitioner. He has instructions to state that the trial is at an advanced stage.

I have considered the rival submissions of the parties.

The Hon'ble Supreme Court in **Mukesh Singh Vs. State (Narcotic Branch of Delhi) 2020 10 SCC 164**. 1700 has held that merely because the informant and the investigating officer is the same person, it cannot be said that the investigation is biased and the trial is vitiated.

A very heavy quantity of contraband has been recovered from the petitioner which falls within the ambit of commercial quantity as per the notification issued under the provisions of NDPS Act. The rigour of Section 37 of NDPS Act is attracted. Furthermore, the trial is at the fag end. The release of the petitioner, at this stage, is therefore, not warranted.

The petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 04, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes

