

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+211

CRM-6606-2022 in/&
CRM-M-6037-2022
Date of Decision :23.02.2022

Lalit Mohan

..Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kunal Kapoor, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM-6606-2022

Keeping in view the averments made in the application, the application is allowed.

Annexures P/3 and P/4 are taken on record.

CRM-M-6037-2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.133 dated 03.07.2021 registered under Sections 20, 61 & 58 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act') at Police Station Division No.6, District Jalandhar.

alleged against the petitioner in the present FIR are totally false and frivolous, which is proven from the fact that according to the allegations, the petitioner was caught with narcotics in a busy place i.e. bus stand but, no independent witness has come forward to support the allegations as alleged in the FIR and further as the investigation is over and challan has already been presented, the prayer of the petitioner for the grant of regular bail may kindly be accepted.

Learned State counsel on the other hand submits that 1 kg. 20 grams of Charas was recovered from the petitioner alongwith another co-accused and as the quantity of the narcotics recovered from the petitioner is commercial in nature, keeping in view the provisions of Section 37 of the NDPS Act, prayer of the petitioner for the grant of regular bail, keeping in view the facts and circumstances of the present case, may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The factum whether the petitioner is guilty or innocent will be decided on the basis of complete evidence, which will come on record during the course of trial. It is a matter of fact that as per the allegations, more than 1 kg of Charas has been recovered from the petitioner and his co-accused. The said contraband, which comes within the definition of commercial quantity invites the rigors of Section 37 of the NDPS Act. The conditions envisaged under Section 37 of the NDPS Act are to be satisfied before accepting the plea of an accused for the grant of bail. In the present case, nothing has been presented before this Court to overcome the rigors of

Section 37 of the NDPS Act so as to say that the petitioner is innocent and has been falsely implicated in the present case. The plea of the petitioner that no one had come forward from the general public to support the allegations against the petitioner cannot be sufficient in itself at this stage to conclude that the allegations are false as the said fact needs to be established on the basis of complete evidence, which will come on record during the course of trial.

Keeping in view the above, no ground to grant the benefit of regular bail to the petitioner is made out.

Dismissed.

February 23, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No