

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14784-2021
Date of Decision: 18.04.2022

Sumit Khatri and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.K. Thakur, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No.149, dated 03.10.2020 under Sections 21/61/85 of NDPS Act, 1985 registered at Police Station Maqsudan, District Jalandhar Rural.

2. Mr. A.K. Thakur, Advocate has appeared on behalf of the petitioners and has filed his vakalatnama pertaining to both the petitioners, which is taken on record.

3. It has been submitted by learned counsel for the petitioners that the petitioners are in custody from October, 2020 and the trial of the case is going on at a very slow pace and the case is now pending for prosecution evidence and has stated that in view of the long custody of the petitioners, they may be considered for grant of concession of regular bail.

4. On the other hand, learned State counsel has submitted that so far as the custody period of the petitioners is concerned, the same is correct.

MANPREET SINGH
2022.04.19 14:12
I attest to the accuracy of
this order.

However, he has opposed the grant of regular bail to the petitioners on the

ground that both the petitioners were caught on the spot and there had been a recovery of 500 grams of heroin each and therefore, the prayer of the petitioners for grant of regular bail is hit by the bar contained under Section 37 of NDPS Act.

5. I have heard the learned counsel for the parties.

6. The allegation against both the petitioners was that they were caught with 500 grams of heroin each, which was in a kit bag which was taken into police custody. Although, the petitioners are in custody from October, 2020 and the case is now fixed for prosecution evidence, learned counsel for the petitioners has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

7. Therefore, finding no merit in the present petition, the same is hereby dismissed.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 18, 2022
Manpreet

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