

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.23600 of 2021
Date of Decision: 14.07.2022**

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

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

Mr. Sandeep Singh Deol, DAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein seeks the relief of regular bail in the criminal case pertaining to the FIR bearing No.239 dated 25.10.2020 registered at Police Station Kartarpur, District Jalandhar, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (here-in-after to be referred as 'the Act').

2. Shorn and short of unnecessary details, the allegations as levelled against the petitioner and his co-accused Pargat Singh in the present case, are that on the receipt of a secret information regarding their having been indulging in the sale of poppy-husk, the police party raided at the disclosed place, i.e the garage adjoining the house of the paternal-uncle of accused Pargat Singh and apprehended the petitioner at the spot but his said

co-accused managed to flee away from there and ten bags, each containing 20 (twenty) kg poppy-husk, were recovered from there.

3. Learned State counsel has submitted the status-report in compliance of the order dated 15.02.2022 passed by the Co-ordinate Bench and the same is taken on the record. Detailed status-report, as filed earlier on behalf of the respondent-State, is already available on the file.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner refers to Annexure P-2, i.e the copy of the Recovery Memo prepared during the investigation proceedings and contends that the name of the petitioner does not find mention in it and hence, the same does not suffice at all to connect him (petitioner) with the alleged recovery in this case. Secondly, he contends that the petitioner had allegedly remained involved in some other cases under the Act, involving smaller quantities of the contrabands and due to this reason, the police had picked him up from his house and got him falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

6. Per contra, learned State counsel argues that the petitioner had been apprehended by the raiding party at the spot and the recovery of the poppy-husk was also effected from there and thus, there is no truth in the contention of learned counsel for the petitioner regarding his (petitioner's) having been picked up from his house so as to get him falsely involved in the instant case and it being so, this petition be dismissed.

7. As regards the contention qua the name of the petitioner having not been mentioned in Annexure P-2, it is pertinent to mention here that at the

top of this document itself, the complete particulars of the subject FIR as well as the names of the petitioner and his said co-accused find specific mention. Even otherwise, the trial is stated to be pending before the competent Court and the afore-raised contention would be a subject matter for consideration and adjudication by the trial Court at the appropriate stage during the course of the trial.

8. So far as the contention regarding the petitioner having been taken away by the police from his house and his having been falsely implicated in this case is concerned, the same also cannot be looked into and decided at this stage while dealing with the present bail petition and rather, it can and shall be appreciated and decided by the trial Court at the relevant stage during the trial proceedings. Moreover, the quantity of the poppy-husk, as allegedly recovered in the present case, undisputedly, falls within the category of 'commercial quantity' inviting the rigour of Section 37 of the Act.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence, as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed.

July 14, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*