

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+204)

CRM No. M-49345 of 2021(O&M)

Date of Decision : 24.03.2022

Gurjit Singh @ Jeji Ghuman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.P.S. Ghuman, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CRM-42680-2021

Present application has been filed for placing on record the statements of S.I. Mewa Singh dated 06.04.2021 and ASI Harminder Singh dated 19.08.2021 as Annexures P-8 and P-9 respectively.

Application is allowed and aforesaid statements as Annexures P-8 and P-9 respectively are taken on record.

CRM-M-49345 of 2021

In the present petition, the prayer of the petitioner is for the grant of regular bail in respect of FIR No. 173 dated 13.07.2019, registered under Sections 22, 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, Patiala, District Patiala.

Learned counsel for the petitioner argues that though, as per the

allegations alleged in the FIR, the contraband involving commercial quantity has been recovered from the petitioner but keeping in view the evidence, which has come on record, the allegations alleged against the petitioner are false and, therefore, as the petitioner is behind bars for the last two years and 8 months, he may kindly be extended the concession of regular bail.

Notice of motion.

Mr. Sidakmeet Sandhu, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State. Learned State counsel submits that once a commercial quantity of the contraband has been recovered from the petitioner, Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 will come into operation and keeping in view the fact that nothing has been produced before this Court even, prima-facie, to show that the petitioner is not guilty of the allegations alleged or he will not commit the same offence again, if extended the concession of regular bail, the prayer of the petitioner may kindly be declined.

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

It is a conceded position that the banned drug recovered from the petitioner is commercial in nature. That being so, the prayer of the petitioner for the grant of regular bail is to be considered keeping in view the guidelines/restrictions imposed by Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The argument of learned counsel for the petitioner that the police official, who was the complainant, has testified

and according to the said testimony, there are discrepancies, which would

show that the allegations alleged against the petitioner are incorrect, cannot be accepted at this stage as for deciding the innocence or the guilt of the petitioner, the complete evidence is to be taken on record. Further more, learned counsel for the petitioner has relied upon the statement of the police officials examined so far including the complainant, as recorded in the cross-examination and the same has been read in isolation without correlating the same with the examination-in-chief. Statement of a witness cannot be read in isolation so as to point out discrepancy. As of now, when the complete statement of the witnesses examined so far is read, this Court cannot grant the benefit to the petitioner that as per those statements, the petitioner is innocent and not guilty of the allegations.

Further more, the mere custody undergone is not enough to grant the concession of regular bail to the petitioner as the act attributed to the petitioner coupled with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, no ground is made out to grant the petitioner the concession of regular bail.

It may be noticed that anything stated in this order, may not be treated as expression of opinion on the merits of the case, the guilt and innocence of the petitioner will be adjourned on the basis of the complete evidence, which will come on record during the trial.

Dismissed.

March 24, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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