

212
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51525-2021
Date of Decision: 09.03.2022

CHHINDA SINGH @ SHINDA SINGH @ KALA

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. K. S. Sidhu, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.244 dated 26.11.2020 under Sections 21, 23 (Notification No.61) of NDPS Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

The learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated and there was no evidence available with the police to connect the petitioner with the present offence and the present case has been planted upon the petitioner. He further submitted that the petitioner is in custody from 26.11.2020 and challan in the present case has been presented and charges have also been framed and

no prosecution witness has been examined. He further submitted that in the absence of any evidence to connect the petitioner, the petitioner is entitled for the grant of regular bail particularly in view of the long incarceration.

On the other hand, Mr. K. S. Sidhu, learned DAG, Punjab has submitted that it is a case where a secret information was received by the police and the petitioner was named in the FIR wherein it has been mentioned that the petitioner has maintained relations with Pakistani smugglers and by making conversation with them on mobile phone, he has brought heroin in the area of Ferozepur and thereafter the petitioner was nabbed and there was a recovery of 5 grams of heroin from him and thereafter on disclosure statement made by him, there was a recovery of 2 Kg. of heroin from him. He further submitted that it is a case where the petitioner has links with the Pakistani smugglers and the matter is therefore serious in nature and otherwise also the prayer of the petitioner is hit by the bar contained under Section 37 of the NDPS Act since the recovered quantity is commercial in nature.

I have heard the learned counsel for the parties.

As per the allegations in the FIR and as per the prosecution, the petitioner was caught with 5 grams of heroin and thereafter, there was a recovery of 2 Kg. of heroin on the basis of the disclosure statements made by the petitioner. The recovered quantity falls within the category of commercial quantity. The petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

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

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No