

217

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

**CRM-M-52665-2021
Date of Decision: 25.05.2022**

Kuldeep Singh @ Kalu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.147, dated 18.07.2020 under Section 22-B of the N.D.P.S. Act, registered at Police Station Ding, District Sirsa.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.07.2020 and the matter is fixed for prosecution evidence before the learned trial Court. He further submitted that as per the allegations, the petitioner was a pillion rider and there was a recovery of 520 tablets/capsules of *Tramadol Hydrochloride* weighing 331 grams and 76 mgs. He also submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner is not involved in any other case and considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody since 18.07.2020 but the recovery from the petitioner was 331 grams and 76 mgs. of capsules/tablets containing *Tramadol Hydrochloride* which falls in the category of commercial quantity. He further submitted that the petitioner was caught on the spot and even a Gazetted Officer was also called on the spot and there is no violation of any provisions under the N.D.P.S. Act. He also submitted that in the present case the bar contained under Section 37 of the N.D.P.S. Act is fully attracted against the petitioner.

I have heard the learned counsel for the parties.

Although the petitioner is in custody since 18.07.2020 but the alleged recovery from the petitioner was of commercial quantity. Learned counsel for the petitioner has not been able to make out any ground for making departure from the bar contained under Section 37 of the N.D.P.S. Act.

Consequently, the present petition is hereby dismissed.

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

25.05.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |