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

**CRM-4258-2023 in/and
CRM-M-35196-2022 (O&M)
Date of Decision:02.02.2023**

Harpal Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.
Ms. Shivani Sharma, DAG, Punjab,
for the State.

...

Manoj Bajaj, J. (Oral)

CRM-4258-2023

The instant application is for preponing the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Ms. Shivani Sharma, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-35196-2022 (O&M)

Petitioner has filed this 2nd petition for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.181 dated 17.07.2021, registered under Section 21(c) NDPS Act, 1985 at Police

Station City Tarn Taran, District Tarn Taran, who is in custody since his arrest on 17.07.2021.

As per the prosecution, on 17.07.2021, when the police party was on patrol duty, a secret informer delivered the information that one youth having trimmed hair would be coming from Jarmasatpura side towards Tarn Taran City on Link Road with intoxicating substance in his possession, and if, a search is conducted, he can be apprehended with contraband. Acting upon the said information, the person was apprehended, who on seeing the police pulled out a polythene from his trouser's right pocket and threw it on road side. The said person disclosed his name as Harpal Singh. Upon completing the necessary formalities, 274 grams of heroin was recovered from the said carry bag.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the above case, who is in custody since long. According to him, the trial is likely to consume considerable time to conclude as no prosecution witness has been examined so far out of total eleven witnesses, though the charges were framed on 07.06.2022. Learned counsel states that the petitioner is not involved in any other case of similar nature. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Harjinder Singh, on the ground that the petitioner was arrested on the spot and 274 grams of '*heroin*' was recovered, which falls within the ambit of commercial quantity. She, on instructions, further states that the case is now fixed for 08.02.2023 for recording prosecution evidence.

After hearing the learned counsel for the parties and considering the case file carefully, it transpires that according to prosecution, the police received a secret information and believing the same

to be truthful, action was taken which resulted in recovery of 274 grams of heroin from the petitioner, who was arrested on the spot. The argument that the petitioner has been falsely implicated is not supported with any convincing material, much less any reason to show the enmity of the police with the petitioner. The prosecution has to examine only eleven witnesses and at this stage, it does not seem that the conclusion of trial would take considerable time. Thus, considering the nature and quantity of the contraband, this court is not inclined to extend the concession of regular bail to the petitioner.

Dismissed

(MANOJ BAJAJ)
JUDGE

February 02, 2023
ramesh

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