

KAMALJIT SINGH @ JADU

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case bearing FIR No. 185 dated 11.09.2023 (Annexure P-1) registered under Sections 21-C/61/85 of NDPS Act at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab.
2. As per the record, it has been pleaded on behalf of the petitioner that he was picked up from his house in the morning of 10 AM on 11.09.2023 and he was kept in illegal custody and his custody was shown from another place and there is no independent witness to lend any credence to the investigation conducted by the Investigating Officer. It has been further pleaded that the petitioner is having permanent residence and there are no chances of absconding or tempering with the prosecution evidence.
3. Per contra, learned State counsel on instructions from ASI Amarjit Singh submits that 260 grams of Heroin, which falls within the ambit of commercial quantity, has been recovered from the conscious possession of the petitioner and the investigation is still going on. Petitioner is also involved in one more case registered under Section 365 of Indian Penal Code at Police Station Sadar Khanna.

4. Keeping in view the fact that contraband falling within the ambit of commercial quantity has been recovered from the possession of the petitioner and he is also involved in one more case, and in view of the embargo created by Section 37 of NDPS Act, the petitioner is not entitled to the grant of regular bail.
5. In view of the above, the present petition is devoid of any merit and the same is hereby dismissed.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

12.02.2024

Ajay Goswami

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