

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6849-2024 (O&M)
Date of decision: 08.02.2024

Resham Singh @ Gori ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anshuman Dalal, Advocate, for the petitioner.
Mr. Joginder Pal Ratra, Sr. DAG., Punjab, for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr.P.C. for **grant of interim bail** to the petitioner in FIR No. 46 dated 17.03.2021, under Sections 21, 25, 27, 27(a) and 29 of NDPS, Act, 1985, registered at Police Station, Gharinda, District Amritsar, for a period of 30 days in order to attend the marriage of his sister.

- (2) Allegations are that petitioner was found in the conscious possession of 2 kilogram and 110 grams of heroin along with drug money.
- (3) Contends that marriage of petitioner's sister is fixed for 12th of February, 2024; and he is the eldest brother, therefore, in order to perform the necessary ceremonies petitioner be granted interim bail for a period of 30 days.
- (4) *Per contra*, learned State counsel while opposing the prayer submits that petitioner was found in illegal possession of 2 kgs. and 110 grams of heroin along with drug money and he is already facing two other cases under the NDPS Act; thus, he does not deserve the concession of interim bail.
- (5) Heard learned counsel for both sides and perused the paper book.
- (6) It is not in dispute that apart from the present FIR, petitioner is facing

two more cases under the NDPS Act and details of which are as under:-

- 1. FIR No. 166 dated 30.09.2019 under Section 21 of NDPS Act, 1985 registered at P.S. Gharinda, District Amritsar Rural.
- 2. FIR No. 214 dated 15.09.2014 under Sections 411,414 of IPC and Section 21 of NDPS Act, 1985 registered at P.S. Gharinda, District Amritsar Rural.

(7) Since, recovery in the present case is alleged to be commercial in nature and apart that, drug money has also been recovered from the petitioner. Therefore, this Court is not inclined to grant interim bail to the petitioner.

(8) Dismissed.

(9) The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to the present petition.

(10) It has been brought to the notice of this Court that charges in the present case were framed on 08.03.2022 and for the last one year, no PW is coming forward.

In such a scenario, Commissioner of Police, Amritsar, as well as Jail Superintendent, Central Jail, Amritsar, are directed to fully cooperate in the matter before learned Special Court. Still further, both the officers shall ensure to produce the prosecution witnesses, as well as the accused well in time on each and every date of hearing. In case there is a failure, legal consequences shall follow.

(11) Progress report of the case be sent to the Registry of this Court by 31.05.2024.

(12) Pending application(s), if any, shall also stand disposed off.

08.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No