

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

CRM-M-1212-2016 (O&M)

Date of decision:17.03.2016

Paramjit Singh Chahal

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vikram Chaudhri, Senior Advocate, with
Ms. Isha Goyal, Advocate for the petitioner.

Ms. Reeta Kohli, Additional A.G. Punjab with
Mr. Hanspal Virk, Assistant AG, Punjab.

P.B. Bajanthri, J.

The petitioner seeks his enlargement on bail in the case of FIR No. 56 dated 15.05.2013 under Sections 379, 411, 473, 468, 471, 212, 120B IPC, Section 21, 22, 25, 25-A, 27, 29, 61, 85 of NDPS Act, Sections 25, 54, 59 of Arms Act at Police Station Banur District Patiala.

2. As per the FIR version, the SHO Police Station Banur, District Patiala along with other police officials was on patrol duty and when they were at Banno Bhai Chowk, Banur, a secret information was received that Satinder Thama son of Ram Roshan Thama resident of # 1669, Sector 15,

Ranchkula, Baljinder Singh @ Sonu resident of Amritsar, who along with

other members of the gang were involved in stealing vehicles which are used for supplying ICE, Pseudoephedrine and other intoxicating material with forged 'number plates', were travelling on that day in a Verna car affixing fake number plate HR-26AJ-1019 from Amritsar to Delhi via Kharar and would be carrying the intoxicants. Based upon the secret information the FIR was registered under various provisions of IPC, NDPS and Arms Act.

3. The allegations against petitioner and his brother are that they have set up two pharmaceutical industries in the State of Himachal Pradesh at Baddi and Barotiwala, District Solan, namely (i) M/s Montek Biopharma and (ii) MBP Pharmaceutical P. Ltd. These industries were granted licences by the State Drug Controller, Himachal Pradesh and the Narcotic Control Bureau for manufacture, distribution, sale, purchase, possession, storage and consumption of 'controlled substances' mentioned in Schedule 'A' of the NDPS Act.

4. The petitioner and his brother are alleged to have misappropriated the two controlled substances of 'ephedrine' and 'pseudoephedrine' supplied to them at concessional rates, for the illicit manufacturing and illegal trade of narcotics/synthetic drugs. The invoices of so-called sale or supply of their manufactured drugs containing these controlled substances, were found either to be fake or the consignees were non-existent.

5. The petitioner was granted bail by the learned Single Judge of this court vide order dated 22.03.2014 in the FIR No.56 and FIR No.109 dated 15.05.2013 and 24.12.2013 respectively. State of Punjab filed a petition for cancellation of bail granted by learned Single Judge dated

22.03.2014 in CRM-M-15004-2015. On 07.10.2015, after due consideration of various aspects interim bail order dated 06.03.2014 as well as final order dated 22.03.2014 was cancelled. The petitioner aggrieved by the order dated 07.10.2015 passed in CRM-M-15007-2015 approached the Apex Court in SLP No.9391 of 2015. On 05.11.2015 counsel for the petitioner submitted as follows:-

“Mr. Kapil Sibal, learned senior counsel for the petitioner prays for time till 14.11.2015 for the petitioner to surrender to custody.

List this petition for preliminary hearing on 16.11.2015.”

6. Thereafter, when the matter was listed on 16.11.2015 learned counsel for the petitioner sought leave to withdraw the special leave petition reserving liberty for the petitioner to seek redress in appropriate proceedings before the appropriate forum in accordance with law. With that liberty the special leave petition is dismissed as withdrawn. The petitioner then approached the Special Judge, NDPS Act, Mohali with an application for grant of regular bail under Section 439 Cr.P.C. during pendency of the trial but the same was dismissed on 02.01.2016. Hence, the petitioner has filed this petition.

7. In support of the petition the petitioner contended as follows:

- a. Petitioner has since surrendered on 14.11.2015 and is lying incarcerated in judicial custody;*
- b. The petitioner has been subjected to custodial interrogation and neither any worthwhile material has been collected nor any recovery has been made from him. The petitioner's brother is on Regular bail which is upheld by this Court and the case of the petitioner is even on a better footing*

than his brother. Even otherwise the petitioner deserves to be released on bail on parity;

c. Qua the petitioner, investigations are complete and challan was filed way back on 05.09.2014 and the learned Trial Court has already taken cognizance thereof.

d. The petitioner as stated above has never misused and abused the process of bail earlier granted to him and his conduct has always been above board, he has even now surrendered in compliance with his undertaking given before the Hon'ble Supreme court."

8. We have heard learned counsel for the parties and gone through the record.

9. The petitioner has not made out any case to release him on bail as no new ground has been urged except that the petitioner's brother Jagjit Singh Chahal's bail has been upheld by this Court and petitioner case is on a better footing than his brother-Jagjit Singh Chahal. Except this contention, rest of the contentions are relating to the factual aspects like the petitioner has surrendered on 14.11.2015 and is lying incarcerated in judicial custody, challan was filed way back on 05.09.2014 and he has not misused or abused the process of bail earlier granted to him and his conduct has always been above board. It was also contended that he has now surrendered in compliance with his undertaking given before the Supreme Court.

10. The offence alleged against the petitioner has a serious adverse impact on the fabric of the Society. The offence is of high magnitude indicting misuse of the controlled substances which were provided to the petitioners' pharmaceutical at a concessional rate. The petitioner is stated to be transacting with a drug lord Jagdish Singh @ Bhola.

11. Since the trial is still at an early stage and the allegations and

grave in nature, it would not be expedient or appropriate to release the petitioner on bail at this stage.

Petition is dismissed.

17th March 2016

pooja saini

(SURYA KANT)

JUDGE

(P.B.BAJANTHRI)

JUDGE