

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

CRM-M-15921-2016(O&M)

Date of Decision: 10.08.2016

Varinder Sandhu

...Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. R.S.Cheema, Senior Advocate with
Ms. Tanu Bedi, Advocate for the petitioner.

Ms. Rita Kohli, Addl. AG Punjab with
Mr. Hans Pal Virk, AAG Punjab for the State.

SUDIP AHLUWALIA, J.

The petitioner was arrested in connection with FIR No.92 dated 3.6.2014 of Police Station Pasiona, Distt. Patiala under sections 21, 22, 25, 25(A), 27, 27(A) and 29 of the NDPS Act, 1985 read with Section 25 of the Arms Act on 4.6.2014. He had earlier applied for being released on statutory bail as the investigation could not be completed within 180 days from the date of his arrest. His prayer was rejected by the Designated Court and his revision preferred against such rejection being CRR No.54 of 2015 was earlier dismissed by a Division Bench of this Court, of which one of us

(Surya Kant, J.) was a member. He was held not entitled to the statutory bail in view of the fact that the prayer for extension of time to complete the investigation had been made before the Designated Court after notice to the petitioner, and had been duly allowed. The Division Bench nevertheless also observed that the dismissal of his revision would not prejudice his prayer for bail on merits if applied for subsequently.

2. This petition in fact is the petitioner's subsequent petition for bail on merits. It may be mentioned that in the meantime, the investigation has already been completed and the Challan/Charge Sheet submitted against several accused persons, including the present petitioner.

3. It transpires that the petitioner is the Manager of Pharmaceutical concern, namely "M/s Mefro Organic Limited" situated in District Una of Himachal Pradesh. The allegation against him is that he is an active member of a drugs syndicate engaged in illegally supplying psychotropic substances in Punjab and abroad. It has also been made out that he had been procuring the controlled substances, such as Pseudoephedrine ostensibly for the purpose of manufacturing medicines in his factory, but had been diverting a large part of the same illegally for conversion and supply of psychotropic substances. After his arrest, on the basis of his statement, the police authorities obtained a search warrant from the competent Court and conducted the search in the house of one Harinder Singh Pander, a resident of Canada and who was subsequently reported to have died about four years ago. The house located in village Kasumbhari, District Fatehgarh Sahib was allegedly being looked after by a nephew of said Harinder Singh Pander, who is also an accused in this case, and the present petitioner had been allegedly using the same as his hide out. A huge

quantity of contraband being 6.740 kg. of Pseudoephedrine and 1.960 kg. of Diphenoxylate powder was apparently recovered from two trunks kept in the said house at the instance of the petitioner, although the keys of the house were procured from a local caretaker namely Gursewak Singh.

4. In the given circumstances, the apparent culpability of the petitioner would appear to be strongly established and he cannot be treated at par with some of the other accused persons, who were granted bail in the case by different Benches of this Court on various grounds, but principally on account of the fact that no direct recovery from their conscious possession was made, which is not the case in respect of the present petitioner.

5. For these reasons, his prayer for bail is rejected at this stage.

(Surya Kant)
Judge

(Sudip Ahluwalia)
Judge

August 10, 2016
AS

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***