

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-32277 of 2015 (O&M)
Date of Decision: 06.01.2016

Prem Kumar @ Prem Parkash

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Verma, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.525 dated 8.7.2015 under sections 21, 22-B, 61, 85 of N.D.P.S Act, registered at Police Station, City Sirsa, District Sirsa.

Learned counsel for the parties have been heard.

As per prosecution version, upon a secret information having been received, a raid was conducted at the shop/premises of Rajesh Medical Hall near Gandhi Ashram, Rania Gate, Sirsa and 300 tablets of Alprazolam were recovered.

The commercial quantity prescribed for such salt, as per law, is 100 grams. The alleged recovery made in the present case is concededly of 34 grams 800 mili grams.

Intriguingly by prosecution is relying upon a disclosure statement suffered by the petitioner himself and as per which he has stated that even though he was a mere employee in Rajesh Medical Hall but in so far as tablets that were recovered, the owner and proprietor namely Rajesh Kumar was not in the know how. As per learned State counsel after

investigation having been completed, the challan has been presented and owner of the Rajesh Medical Hall namely Rajesh Kumar has not even been nominated as accused. Rather the owner is being cited as a prosecution witness.

Petitioner has been in custody since 8.7.2015. State counsel would further apprise the Court that even though, the final report has been submitted but till date charges have not been framed. The trial, as such, would take time to conclude. The petitioner is not stated to be involved in any other proceedings under the N.D.P.S Act.

Counsel for the petitioner has also placed reliance upon the orders dated 13.2.2015 passed in CRM No. M-17788 of 2014 (Pritpal @ Ghoya Vs. State of Punjab) and 27.11.2014 passed in CRM No. M-39864 of 2014 (Satgur Singh Vs. State of Punjab), whereby a Coordinate Bench of this Court has granted benefit of regular bail to the accused, who had been allegedly found in possession of the same very intoxicant powder but of a higher weight.

In the totality of circumstances, the petitioner is held entitled to the benefit of regular bail. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate.

It is, however, clarified that the observations contained in this order are confined only as regards consideration of prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.01.2016

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