

CRM-M-38279-2015

-1-

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

CRM-M-38279-2015
Date of Decision : 11.01.2016

Harwinder Kumar @ Kala

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Harsh Aggarwal, Advocate
 for the petitioner.

 Mr. Jashanpreet Singh, AAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner has been in custody with effect from 31.05.2014 in a case registered on the basis of secret information that he has been keeping intoxicating medicines in his house and selling the same in an illegal manner. Recovery of tablets containing Diphenoxylate Hydrochloride, Dicyclomine Hydrochloride, Chlorpheniramine Maleate, Codine Phosphate and 11 bottles of Rexcof was effected from the top floor of the house of the petitioner.

Learned counsel for the petitioner has submitted that the mother

of the petitioner holds a licence to run the chemist shop named Laxmi Medical Hall, Lal Bazar, Malerkotla and the house does not exclusively belongs to the petitioner and the same belongs to his mother.

Petitioner had earlier been involved in two cases of similar nature. FIR No. 230 of 2005 against the petitioner was quashed by this Court. In another FIR registered against the petitioner, he was discharged. Whether the petitioner was in exclusive physical possession of the contraband in violation of the terms of the licence under the Drugs Act, will certainly be a debatable issue.

Taking into consideration the period of detention suffered by the petitioner, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court subject to a condition that petitioner will not commit the similar offence of which he is accused of during the pendency of the trial. In case of violation of the said condition, it will be open to the prosecution agency to seek the cancellation of bail granted to the petitioner.

(M.M.S. BEDI)
JUDGE

11.01.2016

Neha