

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CRM-M-7106 of 2016
Date of Decision:-16.3.2016.

Suresh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

(2.)

CRM-M-7109 of 2016

Suresh Kumar

.....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. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Arvind Singh, Advocate for the petitioner.

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

SURYA KANT, J. (ORAL)

1.) This order shall dispose of CRM-M-7106 of 2016 and CRM-M-7109 of 2016 as both the petitions have been moved by the petitioner seeking his enlargement on regular bail in the cases (i) FIR

No.69 dated 16.4.2013 under Sections 22/61/85 of the NDPS Act and Sections 420, 467, 468 and 471 IPC added Sections 22/25-A/27-A/29 of the NDPS Act registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and (ii) FIR No.92 dated 3.6.2014 under Sections 21, 22, 25, 25-A, 27, 27-A, 29, 61 and 85 of the NDPS Act and Sections 25/54/59 of the Arms Act registered at Police Station Passiana, District Patiala.

2.) Though the petitioner is named in the first FIR but on the basis of disclosure statement made by his co-accused Dev Raj *alias* Dev Bahl, he was arrested on 7.12.2013. The allegation against the petitioner is that while working as Manager of the Med Care Remedies Private Limited at Gangrate, District Una (H.P.), he in active collusion and connivance with the proprietors of the firm has been siphoning the 'controlled substances' like 'pseudoephedrine' and 'ephedrine' for the illicit manufacturing of synthetic drugs. It is also alleged that pursuant to the disclosure statement made by the petitioner, some contraband was recovered from his car No.PB-10-CM-0318 which was statedly parked outside the factory premises.

3.) The petitioner has been named in one more case under the NDPS Act which was registered after more than six months of his arrest. In the second case of FIR No.92 dated 3.6.2014, the only allegation against the petitioner is that he is a member of the gang who has been supplying contraband/synthetic drugs in various parts of the Punjab State.

4.) We have heard learned counsel for the parties at a considerable length.

5.) It is not disputed that the petitioner was implicated in the first case on the basis of disclosure statement made by Dev Raj *alias* Dev Bahl to whom this Court has already granted bail vide order dated 7.10.2015 passed in CRM-M-10657 of 2015. Secondly, it is highly debatable whether the alleged recovery effected at the instance of the petitioner from his car would attract the rigors of Section 37 (1) (b) (ii) of the NDPS Act. Thirdly, the petitioner is in custody from last more than two years and the conclusion of trial will take reasonably long period as about 69 witnesses are proposed to be examined. Fourthly, one of the proprietor of the pharmaceutical firm where the petitioner was employed as a Manager, namely, Chuni Lal Gaba has also been released on bail. Likewise, another co-accused Rakesh Sadhu @ Tinku has also been released on bail vide order dated 19.12.2015 passed in CRM-M-38105 of 2015.

6.) So far as the second FIR is concerned, it was registered when the petitioner was already in judicial custody for more than six months and no recovery in that case has been effected from him and/or at his instance.

7.) Taking into consideration the totality of the circumstances but without expressing any views on merits, both the petitions are allowed; the petitioner is directed to be released on bail subject to his furnishing adequate bail/surety bonds to the entire satisfaction of the

CJM/Duty Magistrate concerned where he was presently lodged.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 16, 2016.

sandeep sethi