

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

**CRL. MISC. NO.M-20941 OF 2017 (O&M)
DATE OF DECISION : 27th OCTOBER, 2017**

Manish Kumar @ Balwinder Kumar & another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sant Pal Singh Sidhu, Advocate for the petitioners.
 Mr. Dhruv Dayal, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.61 dated 27.04.2017, registered under Sections 21/61/85 of NDPS Act; Sections 342, 420, 465, 471, 468 and 120-B IPC and Section 15(2) of Medical Council Act, 1956 at Police Station City Jalalabad, District Fazilka.

Custody certificate filed by the State is taken on record.

Heard learned counsel for the rival parties.

The petitioners are in jail for the last more than five months.

Following is the relevant portion of the reply filed by the respondent :

“1. That on account of directions issued by Deputy Commissioner Fazilka, in the presence of team of S.M.O. Civil Hospital Jalalabad, S.H.O., P.S. City, Jalalabad searched the premises so run by petitioners being a de-addiction centre and

under the guise of rehabilitation of drug addicted persons, the petitioners were looting the concerned people. During the course of above said search, various addicted persons were found from the premises of petitioners, those were in very critic conditions and number of drugs were found therein. It is worth-while to added here that, the petitioners were running the above said centre, without any license from the concerned authority. Moreover the said centre of the petitioners, did not meet the norms so formulated for establishing and running such like centres.

Learned counsel for the petitioners has pointed out from the challan that essentially the offence is said to be under NDPS Act. Perusal of para 1 quoted above shows that the real offence alleged against the petitioners is about cheating and extorting money from the people in the de-addiction center, run unauthorizedly.

In that view of the matter, no useful purpose would be served by keeping the petitioners behind the bars for an indefinite period.

Taking into consideration all the aforesaid aspects of this case but without expressing any opinion on the merits of the case, I am inclined to grant bail to the petitioners. Hence I make the following order:

ORDER

- (i) The CRL. MISC. NO.M-20941 OF 2017 is allowed

- (ii) The petitioners be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

- (iii) The petitioners to surrender their passport with the trial Court, if they possess the same.

27th OCTOBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>