

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42497-2016 (O&M)

Date of Decision: February 08, 2017

Varinder Sandhu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mrs.G.K.Mann, Advocate
for the petitioner.
Ms.Reeta Kohli, Addl.A.G., Punjab with
Mr.Hanspal Virk, AAG, Punjab.

.....

SURYA KANT, J.

The petitioner seeks his enlargement on regular bail in case FIR No.92 dated 03.06.2014 under Sections 21/22/25/25-A/27/27-A/29/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act') read with Section 25/54/59 of the Arms Act, 1959, registered at Police Station Pasiana, District Patiala.

[2] The above-stated FIR was registered on the basis of secret information received by the patrolling party alleging, inter alia, that the petitioner, who runs a pharmaceutical unit, alongwith his associates was involved in manufacturing of 'ICE' and other intoxicant substances out of the controlled substances which are supplied to the pharmaceutical industries for the purpose of manufacturing life saving drugs.

investigation was completed, charge-sheet was filed and the trial has commenced. We are informed that out of 23 witnesses cited by the prosecution, only one has been examined.

[4] The petitioner has already spent more than 30 months in custody. There is no other case registered against him under the NDPS Act. In the instant case also, no contraband was recovered from the petitioner at the time when he was apprehended, though on the basis of subsequent disclosure statement such contraband is said to have been recovered.

[5] The petitioner was earlier released on interim bail for some days due to demise of his father on 10.08.2016. On a query, learned State counsel submits that he did not misuse the concession of interim bail, in any manner.

[6] Since conclusion of trial is likely to take some time and the petitioner has already spent more than 30 months in custody, we are satisfied that rigour of Section 37 of the NDPS Act would not be any impediment against his release on bail.

[7] For the reasons aforesaid but without expressing any views on merits of the case, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of CJM/Duty Magistrate, Patiala. The petitioner shall also surrender his original passport, if not surrendered earlier.

(SURYA KANT)
JUDGE

February 08, 2017

meenuss

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No