

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11633-2018

Date of decision: 03.04.2018

Komalpreet Singh @ Komal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.09 dated 24.01.2018 under Sections 22/21/61/85 of NDPS Act, Sections 25/54/59 of Arms Act and Sections 420, 467, 468, 471, 120-B IPC (added later on), registered at Police Station Khilchian, Amritsar.

Learned counsel for the petitioner submits that the petitioner is a licensed chemist and holding a valid licence issued by the Zonal Licensing Authority, Amritsar. The licence is valid upto 22.02.2020 and recovery effected from the petitioner is of manufactured drugs and report of the FSL is still awaited. Counsel for the petitioner has relied upon licence (Annexure P-2), which is in the name of the petitioner, as well as Identity Card issued by the District Drugs Inspector, Amritsar and countersigned by the Zonal Licensing Authority (Drugs), Amritsar.

Learned counsel for the petitioner further submits that the allegations in the FIR are that the petitioner was found in possession of 120 intoxicant tablets of red colour, 44 tablets of light pink colour and 09 injections without any licence. It is further submitted that the petitioner has produced the licence before the Investigating Officer and the allegations against the petitioner are that he has licence to keep the drugs at a particular place as per the terms and conditions of the licence and cannot keep the same at a place other than the premises of M/s Cheema Medical Store, V.P.O. Chhajalwadi, Tehsil Baba Bakala, District Amritsar and therefore, he has violated the terms and conditions of the licence, as he was found in possession of the tablets/injections at a place, where he was not authorized to keep them, while travelling in his car.

Learned counsel for the petitioner has further submitted that the petitioner has purchased 32* revolver from the arms factory at Kanpur and had obtained a licence through one Zorawar, who is an ex-serviceman and later on, when the verification was done, the licence was found to be issued by the District Magistrate, Kishtwar, Jammu & Kashmir, however, it is stated that the documents submitted for obtaining the licence, showing the residence of the petitioner of Jammu & Kashmir, are fake. It is further submitted that the petitioner is not involved in any other case and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from SI Sukhdev Singh, has however opposed the prayer for bail on the ground that recovery from the petitioner was effected from Village Chhajalwadi, an area where the petitioner was not authorized to keep the drugs and on verification, it is found that the documents submitted for obtaining the licence were not genuine. However, it is

not disputed that the petitioner is not involved in any other case and challan has already been presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is a valid licence holder of M/s Cheema Medical Store; he is not involved in any other case and conclusion of the trial will take some time, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.04.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No