

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

CRM-M-38586-2017

Date of decision: - 22.01.2018

Gulshan Kumar @ Pala

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.67 dated 10.03.2015, registered under Sections 21, 22 and 27 A/B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 216 IPC, at Police Station City Mandi, Dabwali, District Sirsa.

It is contended by learned counsel for the petitioner that other co-accused of the petitioner, namely, Pawan Garg and Sukhdev Singh @ Sukhi, have already been granted the concession of regular bail, vide order dated 25.09.2017 (Annexure P-5). It is further contended that the

petitioner is a proprietor of the shop, namely, M/s Guru Gobind Singh Medical Hall, whereas Pawan Garg his salesman and Sukhdev Singh @ Sukhi is a person from whom he has purchased the alleged contraband. It is further contended that the petitioner was having a valid license under the provisions of Drugs and Cosmetics Act, 1940, but the same has been suspended by the competent authority on 17.06.2015.

The above factual aspect of the matter has not been disputed by the learned State counsel.

In view of the fact that the license of the petitioner has been cancelled after registration of the FIR, it means he was having a licence on the date of registration of the FIR i.e. 10.03.2015 and that is the reason that same has been cancelled on 17.06.2015. The final conclusion of trial is to take a long time. Moreover, the petitioner is in custody since 10.03.2015 and no useful purpose would be served by keeping him behind the bars and thus, it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the legality and validity of the licence of the petitioner, this petition is accepted. Petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

(MAHABIR SINGH SINDHU)
JUDGE

January 22, 2018
naresh.k

Whether reportable?	No
Whether reasoned/speaking?	Yes