

In the High Court of Punjab and Haryana at Chandigarh

236

CRM-M-47291-2018 (O & M)
Date of Decision: September 10, 2019

NAVEEN ARORA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 115, dated 15.08.2018, under Sections 22 and 29 of the NDPS Act, registered at Police Station Division E (Kotwali), District Amritsar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused Kushal and Ashwani from whom capsules of tramadol weighing 900 grams were recovered. He further contends that after the statements of the co-accused, shop of the petitioner was raided but nothing incriminating was found therein. He also contends that earlier tramadol was not under the NDPS Act and it has been brought under the NDPS Act in terms of Notification dated 26.04.2019. The petitioner was not involved in any other case under the NDPS Act. He is in custody for over a year since his arrest on 15.08.2018. He has relied upon the judgment of the Supreme Court in the case of **Surinder Kumar**

Khanna v. Intelligence Officer, Directorate of Revenue Intelligence, (2018)

8 SCC 271 wherein the conviction of the accused on the statement of the co-accused was set aside.

Learned State counsel upon Instructions from ASI Kabir Singh is not in a position to controvert the submissions made by learned counsel for the petitioner. He however contends that the co-accused had bought capsules of tramadol from the petitioner. He is not in a position to controvert that no recovery of any incriminating material has been effected from the shop of the petitioner. He also states that 01 out of 13 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, the petitioner is in custody for over a year, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 10, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No