

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

CRM-M-44885-2019 (O&M)

Date of decision : 09.11.2020.

Parveen Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jatinder Kumar, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in FIR No.52 dated 05.04.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Sunam, District Sangrur.

As per the allegations on 05.04.2019, 2500 intoxicant tablets of Clovidol 100SR (Tramadol Hydrochloride Tablets) were recovered from the conscious possession of the petitioner. As per the Forensic Science Laboratory Report, the intoxicant tablets Clovidol 100SR were found containing the salt Tramadol Hydrochloride. The average weight per tablet is 399 mg. Thus, the total weight of the salt Tramadol Hydrochloride comes 997.500 grams, which is way above the commercial quantity.

Learned counsel for the petitioner has contended that the FIR has been registered on the basis of a secret information. He has further contended that he is seeking regular bail on the basis of the medical

condition of his wife. Documents supporting the medical condition were attached to the application for pre-ponement of the case.

Mr. Sandhu, Sr. DAG, appearing on behalf of the State has contended that in the present case the recovery is heavy inasmuch as 2500 tablets of Clovidol 100SR have been recovered from the conscious possession of the petitioner containing 997.500 grams of Tramadol Hydrochloride. The counsel for the State has further stated that as per the enquiry made by the State, the wife of the petitioner was advised surgery on 11.07.2020.

I have heard learned counsel for the parties.

On a specific query put by the Court whether the petitioner was seeking interim bail on the basis of the medical condition of his wife, the learned counsel for the petitioner has stated that he was not seeking interim bail but was pressing for regular bail.

In the present case the quantity recovered is 2500 tablets of salt Tramadol Hydrochloride, which falls within the category of commercial quantity and would attract the rigors of Section 37 of the NDPS Act. Further, learned counsel for the petitioner has not placed on record any document which would reveal whether the surgery of the wife of the petitioner has been conducted or whether it is slated for some other date. As per the documents which have been placed on the record by the State, which were forwarded to the VC Coordinator of this Court via email copies whereof have been printed and retained on the record, the wife of the petitioner was advised surgery on 11.07.2020. Further, the learned counsel for petitioner has categorically stated that he is not seeking interim bail on

the medical grounds of his wife. Also in the absence of any supporting document to show as to when the wife of the petitioner has to undergo surgery no ground is made out for grant of bail on that score also.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner.

Dismissed.

It is, however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case.

November 09, 2020

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NOTE:

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No