

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

**CRM-M-796-2021
Date of decision: 13.01.2021**

Sahil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 138 dated 17.10.2020, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that on receiving a secret information that co-accused Rahul Sharma and Jaipal Sharma are involved in narcotic business, the present FIR was registered and aforesaid two persons were arrested carrying 15000 tablets of COVIDOL -100SR having salt of Tramadol Hydrochloride, 432 tablets of SPASCOE VONPLUS having salt of Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen, 1800 tablets of KORMANIL EXTRA having salt of Acetaminophen and Tramadol Hydrochloride and 1000 tablets of MICROLIT having salt of Diphenoxylate Hydrochloride and Atrophine Sulphate.

Learned counsel further submits that thereafter, the police moved an application before the Court for getting non-bailable warrants against the petitioner on the premise that co-accused Jaipal Sharma had made a disclosure that he had purchased the aforesaid intoxicant material from one Sharma Medical Hall situated at village Malkpur, District Kurukshetra and the petitioner is the proprietor of the said firm.

Learned counsel further submits that it is not the case of the prosecution that both the aforesaid co-accused, Rahul Sharma and Jaipal Sharma, had made such disclosure and, therefore, it raises a suspicion about the involvement of the petitioner.

Learned counsel further submits that though the petitioner is having a medical shop but he is not the owner of Sharma Medical Hall, rather he is the licensed proprietor of OM Medical Store, which is situated in a different village.

Learned counsel further submits that petitioner is not involved in any other case and he has been nominated in this FIR on the disclosure of aforesaid co-accused.

Learned counsel for the petitioner relies upon the judgment dated 29.10.2020 of the Hon'ble Supreme Court passed in Criminal Appeal No. 152 of 2013 titled as '*Toofan Singh vs. State of Tamil Nadu*' to submit that it is to be seen during the course of trial whether such disclosure will be admissible against the petitioner.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual. It is also not disputed that petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

13.01.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No