

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.2887 of 2021 (O&M)
Date of Decision: August 09, 2021

Jitender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mrs.Baljit Mann, Senior Advocate with
Mr.Anmol Partap Singh Mann, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.513 dated 01.10.2020, under Sections 21(c) and 29 N.D.P.S.Act, 1985, registered at Police Station, Sadar Thanesar, District Kurukshetra. The petitioner is in custody since his arrest on 03.10.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Kurukshetra in his order dated 04.12.2020, are as under:-

“The allegations in the FIR are that police party arrested one person namely Kishore Kumar and from his car No.HR07V-3692 recovered 75000 Microlit tablets which as per the report of Drug Control Officer, Kurukshetra found to be containing Diphenoxylate Hcl and falls under the NDPS Act. The arrested accused disclosed that he purchased these medicines from one Sushil Kumar @ Pintu. On disclosure statement of co-accused Vinod, present petitioner was arrested. Accordingly, the

present FIR was registered.”

Learned senior counsel for the petitioner has argued that the recovery of contraband (75000 tablets of Microlit) was effected from co-accused Kishore Kumar, who was arrested on the spot and subsequently on his disclosure statement, co-accused Sushil Kumar was indicted and in the similar manner, on the basis of disclosure of Sushil Kumar, another co-accused Vinod was implicated in this FIR. It is further pointed out that the petitioner has been implicated falsely on the strength of disclosure statement suffered by Vinod Kumar and the case of the prosecution qua the petitioner is comparatively weak as the petitioner holds a valid licence dated 16.02.2011 (Annexure P-2) and is running a chemist shop in the name of M/s Guru Nanak Medicose. It is pointed out that the petitioner was arrested with 10000 tablets of Microlit while he was standing outside the said shop. Learned counsel has submitted that as the investigation of the case is complete as the final report was filed on 23.11.2020, therefore, the further custody of the petitioner may not be necessary as he is not involved in any other case, much less of similar nature. She prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Surjeet, who submits that the recovered contraband falls within the ambit of commercial quantity. However, he does not dispute this fact that the petitioner holds a valid licence to run a chemist shop and was implicated on the basis of a disclosure statement made by co-accused Vinod. He further states that charges are yet to be framed.

After hearing the learned counsel for the parties, considering the above background and the fact that the trial is yet to commence and same is likely to consume considerable time to conclude, therefore, further

detention of the petitioner behind the bars may not serve any useful purpose, who is present confined in judicial custody after his arrest on 03.10.2020. Apart from it, the material witnesses are police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Kurukshetra.

CRM-11397-2021

Prayer in the application is for release of the petitioner on default bail in the subject FIR.

Since the petitioner has been released on regular bail, the present application is rendered infructuous.

Disposed off as such.

August 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No