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

1. CRM-M-20408-2021

ASLAM MOHD

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

2. CRM-M-18135-2021 (O&M)

MOHAMMAD IMITAZ

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

3. CRM-M-5962-2021

PARVEZ SHAKOOR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

4. CRM-M-6053-2021

MOHD AAMIR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

Date of decision: 17.11.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present:- Mr. Nikhil Batta, Advocate
for the petitioner in CRM-M-20408-2021.**

Mr. G. S. Kaura, Advocate
for the petitioner in CRM-M-18135-2021.

Mr. Sunny Kumar Singla, Advocate
for the petitioner in CRM-M-5962-2021.

Ms. Neetu Singh Aashat, Advocate
for the petitioner in CRM-M-6053-2021.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted four petitions as they arise out of the same FIR.

CRM-M-20408-2021 & CRM-M-18135-2021 (O&M)

These are the petitions which have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to petitioners Aslam Mohd. and Mohammad Imtiaz in case FIR No. 0168 dated 02.12.2020, registered under Sections 21/22 of the Narcotic Drugs & Psychotropic Substances Act (Section 29/61/85 of the NDPS added later on) at Police Station City-I, Malerkotla, District Sangrur, Punjab.

CRM-M-5962-2021 and CRM-M-6053-2021

These are the petitions which have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioners Parvez Shakoor and Mohd Aamir in case FIR No. 0168 dated 02.12.2020, registered under Sections 21/22/29/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station City-I, Malerkotla, District Sangrur, Punjab.

Facts of the cases, arguments and Order

Learned counsel for the petitioner(s) jointly submit that as per allegations in the FIR, the police registered the present FIR on the basis of a secret information against accused Aslam and other co-accused namely Imtiaz, Aamir, Sakib and Parvez, that they are involved in selling of intoxicant tablets and are coming on their vehicle and if a raid is conducted, they can be nabbed with intoxicant tablets. Accordingly, a ruqa was sent and the vehicle bearing registration No.PB-13BH-4686 was seen coming, and on seeing the police party, the driver tried to turn back. In the meantime, police stopped the vehicle and four persons sitting in the back tried to run away, out of which, one person namely Aslam was nabbed at the spot along with the driver namely Imtiaz. However, three other persons fled away from the spot. Thereafter, during investigation, 600 tablets of Carisoma, 630 vials of Wincirex and 07 grams of Heroin were recovered.

Learned counsel for the petitioners(s) further refer to the report dated 25.03.2021 of the Drug Inspector, Sangrur-2 given to the SHO/Investigating Officer.

The relevant part of report of the Drug Inspector reads as under:-

“Salt Parcel-2 Carisoprodol and Chlorphenamine Maleate does not fall in the list under NDPS act 1985 Sub Clause vii(a) and xxiii(a) of Section 2 of the Act.”

Noticing the aforesaid fact, vide order dated 13.07.2021 passed in CRM-M-18135-2021, learned State counsel was directed to verify the fact whether the aforesaid Salt would fall in the list under the NDPS Act or not.

Learned State counsel has filed the status report of the Deputy Superintendent of Police, Sub-Division, Malerkotla and submits that the aforesaid substance does not fall under the psychotropic substance and 07 grams of Heroin would fall under non-commercial quantity.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties, the instant petitions are allowed.

Petitioners Aslam Mohd. and Mohammad Imtiaz are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

Petitioners Parvez Shakoor and Mohd Aamir are granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners namely Parvez Shakoor and Mohd Aamir to join investigation, if so required, by issuing them a written notice in this regard.

A photocopy of this order be placed on the files of other connected cases.

17.11.2021

Chetan Thakur

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No