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

**CRM-M No.16604 of 2021 (O&M)
Date of Decision: 24.11.2021**

PREM RATTAN

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. S.S. Narula, Advocate
for the petitioner.

Ms. Jasleen Kaur, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

CRM No.13550 of 2020

This is an application for modification in the headnote as well as in para No.17 of the petition to the extent of pleading that the present petition is second petition for grant of regular bail. Earlier CRM-M No.3939 of 2021 was got dismissed as withdrawn on 03.03.2021 with a liberty to file fresh one with better particulars.

For the reasons mentioned in the application, the same is allowed. Petitioner is permitted to plead the factum of second petition in the headnote and para no.17 of the petition.

Main case

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.118 dated 17.09.2020 registered under Section 22 (Section 29 added later on) of the NDPS Act at Police Station Dehlon, District Ludhiana.

FIR was lodged on the basis of secret information to the effect that Ranjeet Singh and Damanpreet Singh were involved in running illicit business of selling drugs and sharing the profits. They were also involved in numerous cases. On the day of receiving secret information, they were going in a car from Dehlon to Shimlapuri, Ludhiana to supply drugs to the customers. The secret information was found to be trustworthy and FIR was registered. Thereafter, a naka was installed and car was apprehended, from which accused Ranjeet Singh and Damanpreet Singh were apprehended with huge quantity of contraband.

During course of investigation, Damanpreet Singh is alleged to have made a disclosure statement on 20.09.2020 to the effect that he has been depositing money in the accounts of Gulshan Ramani and Arjun Dev in Axis Bank ATM at Sahnewal. On the basis of disclosure statement of Damanpreet Singh, co-accused Gulshan Ramani and Arjun Dev were also arrested from Alwar. Damanpreet Singh also made a disclosure

statement on 09.10.2020 disclosing name of petitioner to the extent of procuring the drugs from him. On the basis of disclosure statement, petitioner was also arrested on 09.10.2020. No contraband was recovered from Gulshan Ramani and Arjun Dev.

During course of investigation, petitioner is also alleged to have made disclosure statement and in pursuance thereof, the police has raided the premises of the petitioner and recovered contraband from the basement of rented house and house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is a licensed wholesale dealer and has been authorized to sell, stock or exhibit or offer for sale or distribute by wholesale drugs specified in Schedule 'C', C(1) excluding those specified in Schedule X. The licence was issued to the petitioner by the Rajasthan Government on 22.11.2018. In the challan submitted by the Police, existence of licence in favour of the petitioner has been found as a matter of fact, but according to the Police, the licence was issued by the Drug Department, Rajasthan on 22.11.2018 and the same was revoked by the Drug Department on 22.09.2020.

Even with reference to the aforesaid fact, learned counsel for the petitioner submits that on the day of registration of FIR in question on 17.09.2020, the petitioner was having a

valid drug licence. The said licence was got revoked in order to have fresh licence in the name of his wife and the same was also granted on 28.09.2020 vide Annexure P-4 attached with the petition. The said licence was issued in the name of Payal Aggarwal (wife of the petitioner).

Vide order dated 12.07.2021, the State was directed to file status report with reference to verification of licence Annexure P-4.

In compliance of the aforesaid order, status report by way of affidavit of Deep Kamal, PPS, Assistant Commissioner of Police (South) Ludhiana has been filed. In para No.3 of the status report, it has been admitted that licence (Annexure P-4) is a genuine document and the same has been issued by the Assistant Drug Controller, Jaipur.

Learned counsel for the petitioner further submits that the case set up by the prosecution is not in respect of quantity of contraband stocked in the premises of the petitioner, rather the allegation is rested upon the fact that the petitioner was involved in supplying the contraband to Gulshan Ramani and Arjun Dev from whom no recovery of contraband was effected. Petitioner is in custody since 09.10.2020. Challan has has been submitted.

Learned counsel further submits that the original accused namely Ranjeet Singh and Damanpreet Singh were

arrested on the basis of secret information and recoveries were also effected from their possession and car, still mandatory compliances in terms of Sections 42 and 50 of the NDPS Act have not been made.

Learned counsel also submits that petitioner is also involved in two other cases of similar nature lodged one after the other. In CRM-M No.23941 of 2021 and CRM-M No.35594 of 2021, petitioner has been granted regular bail vide orders dated 21.09.2021 and 27.10.2021 respectively. The aforesaid cases also involved similar allegations against the petitioner.

On the other hand, learned State counsel opposed the bail on the ground that recovery made in this case is commercial in nature.

Since the challan has been presented, therefore, the complicity of the petitioner based on disclosure statement of co-accused would remain debatable at the threshold of his being wholesale supplier of drugs in Rajasthan.

Keeping in view the totality of facts and circumstances of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing

adequate & heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 24, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No