

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

CRM-M-16297 of 2019

DATE OF DECISION :- July 14, 2021

Tarsem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Tarsem Singh son of Onkar Singh, aged 34 years, resident of village Burma, Post Office Behlopur, Tehsil Samrala, District Ludhiana, an accused in F.I.R. No. 06 dated 6.1.2019 registered with Police Station Samrala, District Ludhiana for offences under Sections 22,61 of the NDPS Act.

Briefly stated the facts of the case as per prosecution story are that on 6.1.2019 at about 9.50 P.M, one Manpreet Singh son of late Samsher Singh, resident of House NO. 6326/1, Gali No. 7, Hargobind Nagar, Ludhiana was apprehended by the police during naka at main Chowk Samrala. On search being conducted as per rules, he was found in possession of contraband in the form of Tramadol Hydrochloride Tablets 100 MG, 5 boxes besides 5 leave without box of similar tablets. The total recovered tablets came out to 2950. The accused was accordingly arrested in

this case. The contraband was taken into police possession.

The F.I.R in the case was registered and the case was investigated. During the course of investigation said Manpreet Singh disclosed that he had supplied tablets to M/s Channi Medicos of which petitioner Tarsem Singh was proprietor. Having been nominated in the case, Tarsem Singh had approached the Court of Judge, Special Court, Ludhiana for grant of anticipatory bail by moving an application in that regard, however, his such application, was dismissed vide order dated 25.3.2019. Feeling aggrieved, he has approached this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner has been wrongly involved in this case. As a matter of fact he is running medical store in the name of M/s Channi Medicos holding requisite licenses which are valid issued by department of Drugs Control; he is authorized to sell medicines and drugs. As a matter of fact Manpreet Singh had not supplied any contraband to the petitioner nor any such recovery had been effected from him; the petitioner has nothing to do with the contraband recovered from Manpreet Singh; the petitioner does not have any past criminal record and he has joined the investigation and rendered full cooperation. He has further contended that in the written reply filed on behalf of the State in para No. 3 it has been contended that as per information received from manufacturers of the recovered tablets, such tablets besides other materials had been sold to Krishna Medical Store, Budhladha, Gagan Medicos, Ludhiana, Dhillon Medicals, Pindi Street,

Ludhiana etc. and in para No. 3 it has been contended that no such medicines had been recovered from petitioner Tarsem Singh and further departmental enquiry has been initiated against the investigating officer Sukhwinder Pal Singh for not carrying out investigation in the case as per due procedure. Learned counsel for the petitioner has further submitted that as a matter of fact the manufacturers had themselves created fake companies for supply of intoxicant tablets to such companies and in garb thereof handing over stock of such tablets to drug suppliers to facilitate the drug trafficking in State of Punjab as well as in other States and the persons responsible for running the manufacturing company have been booked in 8-9 criminal cases.

Learned State counsel on instructions from ASI Rajinder Singh has admitted the factum of petitioner having joined the investigation further stating that though premises of the concern of petitioner was searched but no objectionable material was recovered. He has further admitted that departmental action is being taken against the investigating officer in this case for not conducting investigation in a proper and appropriate manner.

Thus keeping in view the facts and circumstances of the case I find that there is not enough material at this stage to connect the present petitioner with recovery or to show that he has committed any offence under the NDPS Act. Therefore, I find it a fit case to grant pre-arrest bail to the petitioner.

Under the circumstances, the interim bail granted to the petitioner on 9.4.2019 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.

- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

With these observations, it is directed that a thorough probe in the matter be got conducted by DGP Punjab to bust the drug cartel and to take effective steps to curb the spread of drug supply and consumption in the State by catching hold of the persons who are supplying the drugs by way of creating fake companies or otherwise and fake medical stores are being run without valid licenses.

(H.S. MADAAN)
JUDGE

July 14, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No