

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

(I) CRM-M- 20158 -2020
Date of decision : 07.05.2021

Gurjit Singh @ RajuPetitioner

Versus

State of PunjabRespondent

(II) CRM-M- 40336 -2020

Gaurav PruthiPetitioner

Versus

State of PunjabRespondent

(III) CRM-M- 334 -2021

Paramjit SinghPetitioner

Versus

State of PunjabRespondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Sandeep Kumar Passi, Advocate, counsel for Petitioner in
CRM-M-20158-2020 and in CRM-M- 40336-2020.

Mr. Karandeep S. Sidhu, Advocate, counsel for Petitioner in
CRM-M- 334 - 2021.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab
for State assisted by ASI Pritpal Singh.

(proceedings conducted through video conferencing)

Gurvinder Singh Gill, J.

1. This order shall dispose of the above mentioned three petitions filed on behalf of Gurjit Singh @ Raju, Gaurav Pruthi and Paramjit Singh seeking grant of regular bail as all of them arise out of the same FIR i.e. FIR No. 75 dated 22.5.2020, registered at Police Station: City Jalalabad, District Fazilka, under section 22 and 29 of NDPS Act, 1985 (Section 25 of NDPS Act was added later).
2. The case of prosecution is that on 22.05.2020, when a police party headed by ASI Harbans Lal, CIA, Fazilka, was present in the Dana Mandi, Jalalabad, then a secret information was received to the effect that Prince Prithi and his brother Gaurav Pruthi, who were running a medical store at Jalalabad, indulged in illegal sale of intoxicant tablets under the garb of running pharmaceutical business, in connivance with Paramjit Singh @ Pamma, who used to purchase intoxicant tablets from them and used to further sell the same in villages. The information was further to the effect that even on the given day Paramjit Singh had gone for purchasing the intoxicant tablets from them and in case a raid is conducted they could be caught red-handed. Pursuant to receipt of said information, barricading was laid and the police party was able to intercept a motor-cycle on which two persons were riding and were carrying a carton. While the driver disclosed his name as Gaurav Pruthi, the pillion rider disclosed his name as Paramjit Singh. The search of carton led to recovery of 40,000 tablets of 'Tramadol'.
3. It is further the case of prosecution that during the course of interrogation Gaurav Pruthi disclosed that some more tablets have been kept in a Verna car bearing registration No. PB-61-C-8476, which was parked in their

garage on Muktsar Road, Jalalabad. The police went to the nominated place and recovered another 40,000 tablets of Tramadol from the Verna car. The said car was found to be registered in the name of Gaurav Doomra who was arrested on 23.5.2020. It is further the case of prosecution that pursuant to disclosure statement made by Gaurav Pruthi, the petitioner Gurjit Singh was also nominated as an accused vide DDR No. 51 dated 23.5.2020. Said Gurjit Singh was arrested and who is alleged to have disclosed that he had kept 4,000 tablets of Tramadol, purchased from the aforesaid persons, in his house. The said tablets were recovered and taken into possession by the police.

4. It is further the case of prosecution during interrogation of the petitioner Gurjit Singh he disclosed that he had purchased intoxicant tablets from Paramjit Singh, Dheeraj Kumar and Avneesh Kumar. During investigation it was found that Avneesh and Dheeraj Kumar had procured the tablets from Sunil Singh and had supplied the same to Gurjit Singh.
5. The learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case on account of certain grudge which the police has against them. It has been submitted on behalf of the petitioner Gaurav Pruthi that he is running a licensed chemist shop under the name and style of M/s. Gaurav Medical Hall at Jalalabad and that since Ashok Kumar of CIA staff is inimical towards his brother Prince Pruthi, therefore, he has been implicated along with his brother. It has also been submitted by counsel for petitioner Paramjit Singh that he is merely an employee of co-accused Gaurav Pruthi and Prince Pruthi and that he has falsely been implicated as his employer Prince Pruthi had some issues with Ashok Kumar of CIA Staff. The learned counsel for petitioner Gurjit Singh

has submitted that he was never ever arrested at the spot and has been nominated on the basis of a disclosure statement, the evidentiary value of which would be debatable. It has further been submitted by learned counsel that since investigation stands concluded, further detention of the petitioner will not serve any useful purpose.

6. On the other hand, the learned State counsel has submitted that since it is a case pertaining to recovery of contraband falling in category of “commercial quantity”, wherein the accused were caught red-handed, no case for grant of bail is made out.
7. I have considered rival submissions addressed before this Court. It is a case where there was specific information as against petitioner Gaurav Pruthi, his brother Prince Pruthi (non-petitioner) and petitioner Paramjit Singh to the effect that they indulged in sale of intoxicants in an illegal manner. Pursuant to receipt of said information the police swung into action and laid barricading and was able to nab two accused at the spot i.e. the petitioner Gaurav Pruthi and petitioner Paramjit Singh and recovery of 40,000 tablets of Tramadol was effected from them which virtually substantiates the secret information received by police. Although the petitioner Gaurav Pruthi claims himself to be a licensed chemist but even if it be so, a licensed chemist is not authorised to carry drugs everywhere or transport the drugs anywhere he wishes. It is only in licensed premises that he can store or sell the drugs. In the instant case, he was found in possession of drugs outside the chemist shop while he along with co-accused was carrying the same on a motorcycle. No explanation is forthcoming to justify the said act. In these circumstances, keeping in view the quantity of contraband recovered at the spot from the two petitioners

namely Gaurav Pruthi and Paramjit Singh, the fetters imposed by section 37 of NDPS Act would also get attracted. Hon'ble Apex Court in a recent judgement i.e. 2020(1) RCR(Criminal) 818 State of Kerala vs. Rajesh Kumar has reiterated the legal position as regards the limitations imposed by section 37 NDPS Act and has further held that a liberal approach in matters of bail in offences under NDPS Act is uncalled for. There is nothing on record at this stage from which it could be inferred that the aforesaid two petitioners are not guilty of the offence in question. The petitions on behalf of Gaurav Pruthi and Paramjit Singh are found to be sans merit and are hereby dismissed.

8. The case of petitioner Gurjit Singh lies on a different footing inasmuch as he is neither named in FIR nor was found to be present anywhere when the main accused namely Gaurav Pruthi and Paramjit Singh were arrested along with contraband. It is subsequently on the basis of disclosure statement made by co-accused that the petitioner came to be nominated and upon his disclosure statement 4,000 tablets of Tramadol are alleged to have been recovered. The admissibility and veracity of such like disclosure statements would certainly be debatable. As such, the petitioner Gurjit Singh @ Raju, being on a different footing, can be extended the concession of bail. The petition on behalf of Gurjit Singh @ Raju is accepted and he is ordered to be released on regular bail during the pendency of trial subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/CJM/Area Magistrate/Duty Magistrate.

(GURVINDER SINGH GILL)
JUDGE

07.05.2021
(Pankaj)

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No