209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 15th December, 2021

1. CRM-M-21280-2021 (O&M)

Gagandeep

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-26403-2021 (O&M)

Mohd Sadiq Ali

... Petitioner

Versus

State of Punjab

... Respondent

3. CRM-M-26442-2021

Bablu @ Ramesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

4. CRM-M-29411-2021

Sumit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. J.S. Dadwal, Advocate,
Mr. P.S. Sekhon, Advocate,
Mr. R.S. Rainoo, Advocate and
Mr. Sohanpreet Singh Brar, Advocate for the petitioners.
Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.

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AVNEESH JHINGAN , J.(Oral)

1. These four petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 30, dated 1st March, 2021, under Section 22-C, 25, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act 1985 and later on added Section 420, 467, 468, 471, 120-B IPC Act 1860, registered at Police Station Division No.4, Ludhiana.

2. The FIR was result of a secret information received on 1st March, 2021, that Himmat, Anoop Kumar Sharma and Rajinder can be apprehended with heavy quantity of intoxicant, if raid is conducted at their rented accommodation. The information was found reliable and a raid was conducted. Total 4338000 tablets which included tablet of Tramadol Hydrochloride and Alprazolam were recovered. The details of manufacturer and batch number were there on the recovered tablets. On the basis of the recovery investigating agency raided Perk Pharmaceutical, Meerut and recovery of 4338000 intoxicant tablets was made. It was found that there was discrepancy in stock register. During investigation, Anoop Kumar Sharma confessed his involvement. He stated that the money for supply of intoxicant was transferred for availing services of Sumit (petitioner in CRM-M-29411-2021) and Gagandeep (petitioner in CRM-M-21280-2021) He further stated that Jaansafi resident of Meerut used to send the intoxicant through courier. Jaansafi was arrested and he disclosed name of Mohd. Sadiq Ali (petitioner in CRM-M-26403-2021) and Bablu @ Ramesh petitioner in CRM-M-26442-2021). He stated that he was helping Anoop Kumar Sharma in procuring and distributing the intoxicant and Mohd. Sadiq Ali, farzan Safi and Surya Parkash were his suppliers. Mohd. Sadiq Ali was arrested on 18th March, 2021 and 250 tablets of

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Tramadol Hydrochloride were recovered from him. Bablu @ Ramesh Kumar was nominated on the disclosure statement of Anoop Kumar Sharma. He was produced on production warrant as he was involved in another FIR, no recovery was made from him.

3. Learned counsel for petitioners Gagandeep and Sumit Kumar submit that it is a case of false implication, petitioners-Gagandeep and Sumit Kumar are licensees of Airtel payment bank and RapiPay Fintech Pvt. Ltd. respectively. It was during the course of their business that amounts were got transferred by the co-accused. They were not aware about the purpose for which the payments were being made. It is further submitted that petitioners are in custody since 8th March, 2021, investigation is complete and no recovery of intoxicant substance were made from them.

4. Learned counsel for petitioner Mohd. Sadiq submits that petitioner was named in disclosure statement and recovery was of 250 tablets of Tramadol etc. (i.e. non commercial quantity), petitioner is not involved in any other case, he is in custody since 18th March, 2021.

5. Learned counsel for the petitioner Bablu @ Ramesh Kumar submits that it is a case of false implication. Petitioner was named in disclosure statement merely due to his involvement in another FIR, no recovery was made from him, he is in custody since 6th March, 2021 and investigation is complete.

6. Learned State counsel opposes the prayer for grant of regular bail and submits that a big scam was unearthed. There was heavy recovery from the co-accused, petitioners were named by co-accused by specifying their roles of suppliers, facilitating sending intoxicant substances and transfer of the money. He further submits that petitioner-Mohd. Sadiq is

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resident of Uttar Pradesh and there is an apprehension of his absconding.

7. Learned counsel for petitioner-Mohd. Sadiq submit that the petitioner would furnish a local surety.

8. The petitioners are in custody for more than eight months. They have no criminal antecedents. No intoxicant was recovered from Sumit Kumar and Gagandeep, they have annexed licences issued by the companies to carry out the money transfer business; no recovery of intoxicant was made from Bablu @ Ramesh Kumar. Names of petitioners surfaced in disclosure statement. Recovery from Mohd. Sadiq is of non-commercial quantity. Considering that no recovery is to be made from petitioners, albeit the investigation is complete, conclusion of trial is likely to take time as out of total fifty-eight prosecution witnesses only two have been examined, petitioners are granted bail, subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petitions are allowed.

10. Since main case has been disposed of, the pending application renders infructuous.

11. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Photocopy of this order be placed in the files of connected cases.

(AVNEESH JHINGAN)
JUDGE

15th Decemeber, 2021
Parveen Sharma

Whether reasoned/speaking Yes/No
Whether reportable Yes/No

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