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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.32408 of 2020 (O&M)

Date of decision: 26.03.2021

Anil Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.201 dated 30.07.2020, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Sunam, District Sangrur.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party, on receiving a secret information that the petitioner is involved in dealing with intoxicant substances and is keeping/selling the same, has conducted a raid and recovered 1000 intoxicant tablets from the petitioner. It is further submitted that the petitioner is the first offender and he is running a medical shop by the name M/s. Anil Medicos whereas the wife of the petitioner is the proprietor and the petitioner is the Incharge of the same and the petitioner is helping her in running day-to-day business of the

chemist shop.

Counsel for the petitioner has also submitted that the petitioner has set up number of defences to be decided during the course of trial i.e. he being running a registered chemist shop and was entitled to keep the contraband like Alprazolam Hydrochloride tablets, for the purpose of selling the same on prescription and also that the petitioner was picked up from his house for which he is relying upon some CCTV footage.

Counsel for the petitioner, lastly, submitted that as on today, the petitioner has undergone 07 months of the custody, challan stands presented, charges are yet to be framed and therefore, it will take some time in conclusion of trial.

Counsel for the State on the basis of the Custody Certificate and reply of the Deputy Superintendent of Police, Sub-Division Sunam, District Sangrur has contested the allegations regarding the CCTV footage on the ground that the same is neither clear nor the timing is matching, however, these facts will be decided, during the course of trial, while leading the evidence/defence evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody has undergone 07 months of the custody; challan stands presented; charges are yet to be framed; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial

Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

26.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No