

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39749-2021 (O&M)
Date of Decision:- 29.9.2021

Chandan Parkash alias Lucky ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ruhani Chadha, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted SI Gurcharan Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.83 dated 28.08.2019 at Police Station Special Task Force (STF Wing), District SAS Nagar, Mohali, under Sections 22/27 & 29 of the NDPS Act (Section 27-A of the NDPS Act added later on).
2. The FIR in question was lodged on the basis of a secret information received by the police to the effect that Narinder Pal @ Vicky and his

brother Chandan Parkash @ Lucky along with their associates supply drugs, which have been banned by Punjab Government, in a large scale and share profit amongst each other. The information was further to the effect that Narinder Pal @ Vicky has set up a shop under the name and style of M/s Kanchan Medicos at Mohalla Jawahar Nagar Camp, Ludhiana, and was maintaining Ertiga car bearing registration No.PB-10-HB-1809 and a Brezza car bearing registration No.PB-10-HB-7869 for the purpose of supply of intoxicant drugs and has also set up a warehouse for storing such intoxicating tablets, capsules and injections. It was further informed by the secret informer that Narinder Pal @ Vicky was to go in Ertiga car from his shop for the purpose of supplying intoxicating drugs and that in case barricading is laid, he may be caught red handed along with huge quantity of banned drugs.

3. It is the case of prosecution that pursuant to receipt of said information, a raid was conducted at Mohalla Jawahar Nagar Camp, Ludhiana where a person was found sitting in Ertiga car bearing registration No.PB-10-HB-1809 who upon inquiry disclosed his name as Narinder Pal @ Vicky. The search of Ertiga car yielded recovery of 4 heavy plastic bags from which 70,000 tablets of Lomotil containing Diphenoxylate Hydrochloride. Another 6,000 tablets of Alprasafe (Alprazolam) and 6480 tablets of Dicyclomine Hydrochloride, Tramadol and 7200 more capsules of Tramadol Hydrochloride were also recovered.

4. During the course of interrogation Narinder Pal @ Vicky disclosed that he and his brother Chandan Parkash @ Lucky had taken a house on rent in street No.8-1/2 Mohalla Harkrishan Nagar, Shimlapuri, Ludhiana, for storing intoxicating drugs, tablets, injections etc. and that he and his brother are the only persons who know about the same. Narinder Pal @ Vicky led the police party to the said premises and after picking up a key kept near the main gate of the house opened the lock of the main gate and got recovered another cache of drugs i.e. 46800 Tramadol Hydrochloride Tablets, 47100 Tramadol Hydrochloride capsules IP, 1200 Buprenorphine Injection IP, 250 bottles of Onerex syrup containing Chlorpheniramine Maleate, 5760 intoxicating capsules containing salt of Tramadol Hydrochloride Capsules IP, 1,73,010 tablets of Clovidol-100 SR. It was thereafter that accused Chandan Parkash @ Lucky was also arrested. Upon further interrogation of both the brothers, they disclosed that they used to order intoxicating drugs from Delhi which used to be delivered through DTDC courier Ludhiana. The said disclosure led to arrest of Ram Sanjeevan Singh and Balram Singh Rawat. It is further the case of prosecution that upon arrest of Ram Sanjeevan Singh, he disclosed that he had been working in the office of Sunil Kumar, who was working for DTDC and that at his instance he used to collect packages from Karol Bagh and deliver the same at Daryaganj from where packages were being sent to Ludhiana.
5. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that no recovery whatsoever

was ever effected from him at any stage. It has been submitted that the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Narinder Pal which would not carry any evidentiary value. It has been submitted that in any case since the petitioner has been behind bars since the last about 2 years and trial is proceeding at snail's pace, he may be granted the concession of regular bail.

6. Opposing the petition, learned State counsel has submitted that apart from the disclosure statement of Narinder Pal, officials of the courier company who are also arrayed as co-accused have also made disclosure statements indicating the role played by the petitioner in the racket of drug peddling. Learned State counsel has also submitted that the petitioner also happens to be involved in three other cases. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 1 year and 10 months. It has also been informed that as on date not even a single PW out of the cited 28 PWs has been examined.
7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that the petitioner was neither arrested at the spot and nor any recovery was effected when he was subsequently apprehended by the police. He has been nominated on the basis of a disclosure statement of co-accused, the veracity and admissibility of which would be debatable. In any case, the petitioner as on date has been behind bars for a substantial period of about 1 year and 10 months and conclusion of trial is likely to consume time as not even a single PW out of the cited 28 PWs has been examined till date. In

these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.9.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No