

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

CRM-M-36177-2020

Date of decision : 28.01.2021

Kulbir

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Parminder Singh, Advocate  
for the petitioner.

Mr. Raman Kumar Sharma, Addl. A.G., Haryana

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**JITENDRA CHAUHAN, J. (Oral)**

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.541 dated 06.11.2019 registered under Sections 21-C and 22-C of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Indri, District Karnal.

Learned counsel for the petitioner refers to the FIR to contend that on a secret information raid on small grocery shop of the petitioner was conducted. A secret information was received that the petitioner is selling intoxicant capsules and tablets in his shop and if raid is conducted on the shop, intoxicant capsules and tablets in heavy quantity could be recovered. The shop was raided and no recovery was effected. However, the shop in question was found closed and another secret information was received that

the petitioner is coming up with the contraband contained in the bag carried by him. 2747 capsules of *Parmadole*, 4800 tablets of *Alprazolam* and 10 bottles of *Codin Syrup* were allegedly recovered from the bag carried by the petitioner. Learned counsel further states that the petitioner had dispute with owner of his shop and at his behest, in collusion with the police the said contraband has been planted on him. Subsequently, without any compromise and any order from the competent Court, the possession of the shop was taken forcibly. He states that the petitioner has three minor children, ailing mother and wife, who is suffering from Uterus Fibroid infection and surgery has been advised to her. Learned counsel for the petitioner further refers to Annexure P-2 (colly) i.e. affidavits by the residents of the area, who have categorically stated that the petitioner is personally known to them and the FIR has been registered at the behest of the landlord of the petitioner. He further states that the recovery of the contraband from the petitioner has become doubtful. He is not involved in any other FIR.

On the other hand, learned State counsel informs that huge quantity of contraband was recovered during search of the bag carried by the petitioner.

Heard.

Considering the fact that the petitioner is in custody in this case since 06.11.2019; he is not involved in any other FIR; the challan was presented on 11.12.2019; till date out of fourteen witnesses none has been examined; the trial is not likely to be concluded in the near future, no useful purpose shall be served by keeping the petitioner in further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bonds in the sum of ₹2 lakh with two local sureties in the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**28.01.2021**

*jyoti-II*

**(JITENDRA CHAUHAN)  
JUDGE**

Whether speaking / reasoned :      Yes      No

Whether Reportable :      Yes      No