

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-40103 of 2020

Date of Decision: 08.03.2021

Jatinder Kumar @Tina

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Bikramjit Singh Jatana, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is the second petition under Section 439 CrPC filed by the petitioner for grant of regular bail in FIR No.134 dated 07.08.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station City-1 Mansa, District Mansa.

Learned counsel for the petitioner would contend that total weight of the recovery of 13 vials of ONEREX syrup comes to 1300 ml. of Codeine Phosphate and upto 1000 ml. of Codeine Phosphate falls under the ambit of non-commercial quantity. Therefore, learned counsel for the petitioner would submit that 1300 ml. of Codeine Phosphate is marginally higher than the limit of non-commercial quantity thereof. He would further contend that the petitioner has falsely been implicated in this case and he has moved several applications to the Chairman, Punjab State Human Rights Commission, Chandigarh; Director General of Police, Punjab; and

to the Deputy Inspector General of Police, Bathinda, praying for conducting an enquiry in this regard.

The custody certificate filed by learned State counsel is taken on record. Learned State counsel contends that the petitioner is involved in one other case under the NDPS Act. However, he is not in a position to deny that in the other case the petitioner has since been granted bail by this Court vide order dated 27.07.2017 passed in **CRM-M-21109 of 2017**.

I have heard learned counsel for the parties.

The petitioner, in the present case, has been in custody since 07.08.2019. The recovery in the present case is 13 vials of ONEREX syrup, which comes to 1300 ml. of Codeine Phosphate. The commercial quantity of Codeine Phosphate is 1000 ml. The recovery, therefore, is marginally higher than the commercial quantity of the Codeine Phosphate.

In view of the submissions made by learned counsel for the petitioner, without commenting upon the merits of the case and keeping in view the fact that the petitioner has been behind bars since 07.08.2019 and the trial is unlikely to conclude in near future specially in view of the current scenario in the wake of the COVID-19 Pandemic, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with heavy surety to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner or is found to be indulging in any such activity in future.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

(ALKA SARIN)
JUDGE

8th March, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO