

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

CRM-M-1953-2022

Order reserved on: 18.10.2022

Date of Pronouncement: 28.10.2022

Savita Chhabra

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana

HARNARESH SINGH GILL, J.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.682 dated 10.12.2021, registered at Police Station Sector 32/33, Karnal, under Section 20 NDPS Act (Section 22 NDPS Act has wrongly been mentioned in the impugned order dated 03.01.2022).

As per the prosecution, on 10.12.2021, an application was received in the Police Station from Ms. Ritu Drugs Control Officer, Karnal, to the effect that on 07.12.2021, she was contacted by Sh. Suresh Chauhan, Drugs Inspector, Narcotics Himachal Pradesh, through a mobile phone; that she was informed that a purchase order had been placed by M/s Vandan Medical Store, Shop No.4, Gali No.23, Karan Vihar, Karnal, qua 2,39,400 Alprazolam tablets, and that the said order was dispatched to M/s Vandan Medical Store, vide bill GST-55 dated 30.06.2022. It was further informed that an inspection had been conducted in the presence of Amit Arora; that one witness, namely, Anil Chhabra was found at the

spot and he had identified himself as the brother of Nitin Chhabra; that the petitioner, who also reached the spot, had identified her signatures on the letter pads pertaining to her firm, vide which she had placed an order with M/s Bansal Pharma for the purchase of Alprazolam, and that all the deals with regard to the sale and purchase, had been done by her husband Nitin Chhabra, who had gone out somewhere. During further investigation, said Nitin Chhabra told that he and Dinesh Bansal, owner of M/s Bansal Pharma, were doing some business jointly at Ludhiana; that on the request of Dinesh Bansal, he (Nitin Chhabra) had placed an order to purchase 399 boxes of packing 10 x 6 x 10 of ALPAX (0.50) Alprazolam, with M/s Bansal Pharma, and that the material was sent by Rajiv Kumar Verma from Karnal to another place, but the stock had never been received.

It is the case of the prosecution that non-submission of sale bills and records of 2,39,400 tablets of Alprazolam by the petitioner and her husband Nitin Chhabra, owner of M/s Vandan Medical Store, indicates towards the illegal sale of the said tablets.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case solely on account her being the proprietor of M/s Vandan Medical Store; that though the said firm is in the name of the petitioner, yet the sale had been made under the personal supervision of a competent person i.e. Satish Kumar, as would decipher from clause 2(b) of Form 21-B; that though the bills had been raised in the name of M/s Vandan Medical Store, yet no delivery or consignment was received and even no payment was made on behalf of M/s Vandan Medical Store to M/s Bansal Pharma.

Learned counsel further contends that the petitioner has two minor children and the entire business of M/s Vandan Medical

Store, was run by the husband of the petitioner and that the person responsible for the sale is co-accused, Satish Kumar. He further contends that even as per the FIR, the medicines had never been received in the shop and, therefore, the question of its sale and/or causing wrongful loss or wrongful gain, would not arise. He further contends that medicines had been sent by one Rajiv Kumar Verma from Karnal to another place, and the stock had never been received at the firm of the petitioner. He further contends that there is no signature of Nitin Chhabra on the bill and rather, it was signed by one 'Jai' of Aryavart Motor Transport Company, Karnal. He further contends that wrongful loss, if any, would be attributed to the responsible person i.e. Satish Kumar, who has also been arraigned in the present case.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State, and submits that the petitioner is the proprietor of M/s Vandan Medical Store and had placed an order from M/s Bansal Pharma on the letter pad, for the purchase of Alprazolam and deals had been done by Nitin Chhabra, husband of the petitioner. No bill for the purchase of 2,39,400 Tablets of Alprazolam was found/produced, which clearly goes to show that the said tablets had been sold in illegal manner. It is further submitted that during investigation, one Pawan had produced the purchase order placed by M/s Vandan Medical Store, of which the petitioner is proprietor, issued by M/s Bansal Pharma and delivery receipt of three boxes CH-507561/3, addressed to M/s Vandan Medical Store, was is produced by Jai, delivery Clerk of Aryavart Motor Transport Company and the same were handed over to Nitin Chhabra, husband of the petitioner, on 02.07.2021.

It is further submitted by the learned State Counsel that the petitioner being the sole proprietor of M/s Vandan Medical Store, along with her husband had sold 2,39,400 Alprazolam Tablets illegally, after purchasing the same from M/s Bansal Pharma and that the said tablets falls under the commercial quantity. It is yet further submitted that the petitioner had admitted her signatures on the letter pad upon which an order had been placed to M/s Bansal Pharma for purchase of Alprazolam Tablets and that M/s Bansal Pharma handed over the stock to transporter Nirman Goods Carrier, Chandigarh, vide bilty dated 01.07.2021, which had been further delivered to M/s Vandan Medical Store, under the signatures of Nitin Chhabra.

I have heard the learned counsel for the parties.

There is no denying the fact that petitioner is the proprietor of M/s Vandan Medical Store. It is the case of the petitioner that the said medical store was being run by her husband Nitin Chhabra. A perusal of the status report dated 25.07.2022 filed by the respondent-State, said Nitin Chhabra, is involved in two other criminal cases i.e. FIR No.173 dated 18.09.2013 registered under Section 22 of the NDPS Act, at Police Station Shambhu, wherein he was declared a proclaimed offender and FIR No.96 dated 26.04.2022 registered under Sections 22, 25, 29 and 61 of the NDPS Act and Section 120-B IPC, at Police Station Jamalpur, District Ludhiana. The instant FIR was registered on 10.12.2021. Said Nitin Chhabra, is the husband of the petitioner and therefore, it does not stand to any logic that she would not be aware of his activities, particularly, when he is a person of criminal antecedents and that too, of the offences under the NDPS Act. The prosecution has connected the petitioner and her firm by chain of events, which prima-facie, remain uncontroverted and merely because, no recovery

has been effected in the case in hand, is of no help to the petitioner, when the transaction trails on the paper, go to show that the sale and purchase of the intoxicant tablets, had, in fact, been done. All the facts and circumstances leave no way to infer that the petitioner was not in the knowing of the alleged sale and purchase of the intoxicant tablets. Thus, the custodial interrogation of the petitioner is a must.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

28.10.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No