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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6086-2022
Date of Decision: 14.11.2022

Angrej Singh @ Geji

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.P.S. Khaira, Advocate, for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 41 dated 02.07.2021, under Sections 22/25 of the NDPS Act, registered at Police Station City Raikot, District Ludhiana (Rural).

Learned counsel for the petitioner has submitted that the petitioner is in custody from 02.07.2021 and the petitioner has been falsely implicated in the present case only because he was earlier involved in two more cases. He further submitted that it is a case where the police had apprehended three persons namely, Sukhwinder Singh @ Gobinda, Lakhvir Singh @ Bhagtu and the present petitioner on the basis of secret information and on the basis of secret information search was conducted, there was a recovery of 660 tablets of Radol-100 containing salt Chlorpheniramine Maleate of and so far as the other co-accused are concerned, there was

recovery of some tablets of Tramadol. The learned counsel submitted that the tablets of Radol-100 which were allegedly recovered from the present petitioner namely Angrej Singh @ Geji is concerned, the same does not fall within the purview of the NDPS Act. He submitted that in view of the aforesaid position, the petitioner may be considered for the grant of regular bail. He further submitted that even otherwise also one official witness has already been examined and the trial of the case may take long time and since the alleged recovered quantity does not fall within the ambit of NDPS Act, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab on instructions from ASI Baljeet Singh who is present in the Court has stated that it is correct that the petitioner is in custody from 02.07.2021 and the recovery which was made from the petitioner does not fall within the ambit of NDPS Act. He also referred to the short affidavit filed by the DSP, Raikot, District Ludhiana (Rural) in CRM-M-38887-2021 in which it has been clarified after taking report from the Drug Inspector that the recovered tablets from the present petitioner does not fall within the purview of the NDPS Act. Para 10 and 14 are reproduced as under:-

“10. That 4 sample parcels were deposited in Regional Testing FSL, Ludhiana on 06.07.2021 for report. After analysis the FSL has issued report no.1041/2021/Toxi/RTFSL/LDH/Pb dated 30.09.2021. Salt Tramadol Hydrochloride was detected in parcels no. 1 to 3 which belongs to the recovery effected from accused Sukhwinder Singh petitioner Lakhvir Singh. Salt Chlorpheniramine Maleate was found in sample parcel

no.4 which belongs to accused Angrez Singh.

14. That clarification has been sought from Drug Inspector Jagraon if sale CHLORPHENIRAMINE MALEATE falls under the purview of NDPS Act or not. The Drug Inspector has written letter No. Drugs-Ludhiana-6/2022/357 dated 17.03.2022 to SHO, P.S City Raikot and clarified that salt CHLORPHENIRAMINE MALEATE does not fall under the purview of NDPS Act”.

I have heard the learned counsel for the parties.

The petitioner is in custody from 02.07.2021. The alleged recovery from the petitioner was of 660 tablets of Radol-100 which according to the State itself does not fall within the purview of the NDPS Act.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

14.11.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No