

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

CRM-M-17367-2021 (O&M)

(1) Ishan ...Petitioner
Versus
State of Punjab ...Respondent

(2) **CRM-M-2257-2021 (O&M)**

Reena ...Petitioner
Versus
State of Punjab ...Respondent

Date of Decision:- 25.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gursimran Singh Madaan, Advocate for the petitioner
in CRM-M-17367-2021.

Mr. Randeep Singh Waraich (Rana), Advocate for the petitioner
in CRM-M-2257-2021.

Mr. M.S. Dullat, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Ishan and Reena seeking grant of regular bail in a case registered against them FIR No. 148 dated 31.08.2019 at Police Station Division No.3, District Ludhiana, under Section 21 of the NDPS Act.
2. The FIR in question was registered pursuant to receipt of a secret information on 31.8.2019 to the effect that Amit Sachdeva alongwith Ishan

and Reena wife of late Sanjiv Kumar, resident of rented house No.5326, Street No.1, New Shivaji Nagar, Ludhiana indulged in sale of intoxicant capsules and tablets. The information was further to the effect that even on the given day Amit Kumar and his accomplices have kept huge quantity of capsules and tablets in the rented house of Reena and that Ishan had also kept a large quantity of tablets in the dicky of his silver coloured Verna car, which is parked in a vacant plot adjacent to the house of Reena. Pursuant to receipt of said information, the police party reached near the house of Reena where Verna car of Ishan was found parked. Ishan, upon seeing the police party, tried to run away but was nabbed by the police. A search of the Verna car led to recovery of 84,000 tablets of 'Tramadol'. Thereafter, the police party went inside the house i.e. H.No.5326, Street No.1, New Shivaji Nagar, Ludhiana, where Amit Sachdeva was found sitting in the front room on a bed. Amit Sachdeva was extended an offer in terms of Section 50 of the NDPS Act, but he reposed confidence in Inspector Satish Kumar present there and from search of the bed 52 boxes of 'Tramadol' total containing 26000 tablets were recovered. Thereafter, the police party went towards the backside of the house where Reena was sitting. Upon search of almirah in the room, 14,000 tablets of 'Tramadol' were recovered.

3. The learned counsel for the petitioner – Ishan has submitted that he has falsely been implicated in the present case and that although the police claims to have effected recovery of 84,000 tablets 'Tramadol' from a Verna Car but it remains unexplained as to how the police was able to open the Verna Car without any keys and that the omission to explain the said fact on part of the police rather creates a doubt in the prosecution story. It has been

submitted that the petitioner, in any case, cannot be saddled with any liability in respect of the recovery effected from the house of co-accused Reena.

4. The learned counsel representing Reena has submitted that she is a lady and has been falsely implicated in the present case and that since identically situated co-accused namely Amit Sachdeva who was also present in the house from where recovery of 40,000 tablets (26,000 tablets from bed and 14,000 tablets from almirah) of 'Tramadol' was effected, the petitioner deserves the same concession on grounds of parity. It has also been submitted that the petitioner has recently not being keeping well and requires extensive medical treatment and may also require surgical intervention.
5. On the other hand, the learned State counsel while opposing both the petitions has submitted that since it is a case of recovery of huge quantity of contraband which falls in the category of 'commercial quantity', no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. Ishan cannot feign ignorance about the recovery of 84,000 tablets of 'Tramadol' from his car inasmuch as the car in question stands registered in his name. Reena who had taken the house in question on rent and from where recovery was effected, can also safely be said to be in conscious possession of the contraband recovered from the house on which she had domain, particularly when the contraband had been kept concealed therein i.e. in the bed and in almirah. There was prior secret information by name

against both the petitioners which duly stands substantiated from the factum of recovery. The petitioner – Reena cannot claim parity with the case of co-accused Amit Sachdeva inasmuch as the conscious possession of Amit Sachdeva can be said to be debatable as he at best was present in the house in question as a guest and is neither the owner nor the tenant in the said house whereas the contraband was found to be concealed in a bed and almirah. It is not the case that said Amit Sachdeva was carrying any bag etc. On the other hand, conscious possession of contraband can easily be attributed to Reena, being in possession of the house as a tenant.

8. In view of the aforesaid discussion, the involvement of the petitioners is *prima facie* evident. There is nothing on record to show that the petitioners in case released on bail, would not commit any such offence again. The petitioner – Reena, if not already surrendered, is again directed to surrender before the jail authorities within one week from today.
9. Both the petitions, as such, are found to be sans merit and are hereby dismissed.
10. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.
11. A photocopy of this order be placed on the file of connected case.

25.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No