

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39091-2021 (O&M)
Date of decision : 18.07.2022

Pawan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Randeep Singh Waraich (Rana), Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 130, dated 12.10.2020 registered under Sections 22, 29, 61, 85 of the NDPS Act at Police Station STF Phase-4, Mohali, District SAS Nagar.

As per the allegation in the FIR, a secret information was received that one Jatin Sharma and Narinder Singh are in the business of selling intoxicant tablets in connivance with each other for a long time. Both these persons would be going towards Dugri side on Activa No. PB-10-HE-2922 for supplying intoxicated tablets. In case, Nakabandi is made, accused could be nabbed along with a huge quantity of intoxicated tablets. On the basis of this information, a Naka was laid. Jatin Sharma and Narinder Singh were apprehended and total 6300 tablets of Tramadol Hydrochloride 100 mg. were recovered from them.

Name of the petitioner is alleged to have cropped up in the disclosure statement of Jatin Sharma, wherein he stated that the said tablets had been purchased from the petitioner.

The petitioner is in custody since 27.12.2020. The investigation in the case is complete and challan has been filed. There are total of 17 prosecution witnesses, out of which only two have been examined so far.

Ld. Counsel for the petitioner states that the petitioner has been falsely implicated in the present FIR. His name has only cropped up in the disclosure statement of Jatin Sharma. Other than the disclosure statement, there is no other material to connect the petitioner with the offence in the present FIR.

Mr. B.S. Sewak Ld. Addl. A.G., Punjab states that there is also one FIR No. 131 dated 12.10.2020 under Section 22/61/85 of the NDPS Act Police Station STF Phase-4, Mohali, District SAS Nagar on the allegation of recovery of 61000 intoxicated tablets. There are also seven other cases under the NDPS Act pending against him.

Be that as it may, as far as the present case is concerned, the petitioner is involved only on the basis of the disclosure statement. No useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Pawan Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, if petitioner indulges in any activity of similar nature, while on bail, prosecution agency will be at liberty to seek cancellation of order granting bail to petitioner.

(HARINDER SINGH SIDHU)
JUDGE

18.07.2022
Satyawan

Whether reasoned order : Yes

Whether reportable : No