

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

CRM-M-39349-2021

Date of decision : 20.04.2022

**Sanjeev Kumar @ Sanju
Vs.**

...Petitioner

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ishan Khetarpal, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.78 dated 09.04.2021 registered under Section 22 (C) Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Guhla, District Kaithal, who is in custody since his arrest on 09.04.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Kaithal, in the order dated 26.05.2021 are as under:-

“Briefly facts lodged on the complaint that ASI Joginder Singh stated that on 9.4.2021, he along-with co-police officials were on patrolling duty at Bus Stop Agondh, where one person singled their vehicle to stop and informed that one Sanjeev Kumar is indulged in selling of Narcotics at his medical shop and today he would come at Bus stop, Agondh for selling the said

Narcotics substance and he can be apprehended. On this a raiding party was constituted and after some time one person was seen coming from bus stop Agondh having a white coloured polythene and the said secret informer verified him as the same person. On that said person was apprehend along with polythene and was served with required notices under the Act. On checking the same, 1020 Tramadol Hydrochloride Tablets were got recovered. On this, instant First Information Report was lodged.”

Learned counsel for the petitioner submits that the petitioner has been falsely implicated for allegedly keeping 1020 tablets (Tramadol Hydrochloride), whereas the petitioner is a licensed chemist and is running a medical shop. In this regard, he has invited the attention of the Court to the reply filed by way of affidavit of Kishori Lal, Deputy Superintendent of Police, Guhla wherein this fact is admitted. According to him, it cannot be said that the above tablets were kept by him without any authorization. Learned counsel further refers to the order dated 21.12.2021 passed by this Court, wherein his argument that the petitioner was in fact arrested from his house and was later on implicated in this case, has been noticed. Learned counsel has submitted that as the investigation of the case is complete and the final report was filed on 31.08.2021, therefore, petitioner be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Maha, who submits that the recovered contraband

falls within the ambit of commercial quantity. However, he does not dispute this fact that the petitioner holds a licence to run a chemist shop. He further states that after framing of charges on 28.09.2021, no prosecution witness has been examined out of total 12 witnesses.

Considering the above background as well as custody of the petitioner, this Court is of the opinion that as the trial is yet to commence, therefore, its' conclusion is likely to consume considerable time, so the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 09.04.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.04.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No