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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-13769-2022 in/and
CRM-M-43481-2021 (O&M)
Date of Decision: 26.04.2022

Chandan Parkash @ Lucky

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumeet Pal Singh Khaira, Advocate
for applicant-petitioner.
Mr. Dhruv Daya, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-13769-2022

The instant application is for pre-poning the date of hearing of
the main petition to an early date.

Notice in the application.

At this stage, Mr. Dhruv Dayal, Sr. DAG, Punjab, accepts
notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CRM-13770-2022

Application is allowed, subject to all just exceptions. Copy of
FSL report is taken on record.

CRM-M-43481-2021 (O&M)

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C, pending trial in case FIR No.39 dated 04.04.2017 registered under
Section 22 NDPS Act, 1985 at Police Station Sadar Phagwara, District

Kapurthala. The petitioner is in custody since his arrest on 04.04.2017.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Kapurthala in the order dated 19.05.2017 are as under:

“As per prosecution version, on 04.04.2017 applicant/accused was apprehended by a police party headed by ASI Ajaib Singh in the area of Urban Estate, Phagwara. From the search of black colour bag carried by applicant/accused on the shoulder of his right hand, 300 intoxicant injections of Buprenorphine Injection 1.P 2 ML and 300 intoxicant injections of Pheniramine Meleate Injections 10 ML were recovered without any licence or permit.”

Learned counsel has argued that the petitioner has been falsely implicated in the above FIR and he is in fact is working in the chemist shop run by his brother. Learned counsel has further argued that the recovery memo prepared at the time of recovery of the alleged contraband (600 intoxicant injections), no particulars of the batch, etc. were mentioned and only 6 vials of recovered contraband were sent to the FSL for analysis. He has referred to FSL report dated 12.06.2017 and submits that no particulars of the manufacturers or batch numbers are contained in this. He prays for bail.

Learned State counsel assisted by ASI Satnam Lal has opposed the prayer on ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He further states that he is involved in three more other cases and in this regard, he has produced the custody certificate by way of affidavit of Satnam Singh, PPS, Additional Superintendent, Central Jail, Ludhiana. He, on instructions states that charges have been framed on 11.08.2021, but no prosecution

During the course of hearing, it is not disputed by learned counsel that the petitioner is involved in three more other cases of similar nature, but according to him, in those cases, he has been released on bail and was implicated falsely on the basis of disclosure statement made by the accused from whom the recovery of contraband was effected. He fairly states that the brother of the petitioner, who holds the licence for running the chemist shop is also confined in prison in some other case under NDPS Act.

After heraing the learned cousnel for the parties and considering the above background, this Court finds that as per prosecution, commercial quantity of Buprenorphine injections was recovered from the possession of the petitioner and concededly, the recovery of the contraband was not effected either from the shop, where the petitioner works or from his residence, where he resides and the argument that the recovery memo does not contain the particulars of manufacturers or the batch number may not be enough to vitiate the trial and shall not carry much importance for the purposes of regular bail. Apart from it, the petitioner is accused in other cases of similar nature, therefore, this Court does not find it to be a fit case for release him on regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

26.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No