

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.39377 of 2019

Date of Decision:28.01.2022

(Heard through VC)

Deputy Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.151 dated 12.06.2019 registered under Section 22 of the NDPS Act at Police Station City Shri Muktsar Sahib, District Shri Muktsar Sahib.

Counsel for the petitioner would contend that the petitioner is a licensed chemist and was authorized to possess and sell Clovidol-100 SR tablets which were allegedly recovered from him. It is submitted that no independent witness was associated in the said recovery and petitioner has been falsely implicated in the matter. It is argued that in a similar matter titled as *Pramod Kumar vs. State of Haryana 2020(1) Law Herald (P&H) 128*, regular bail had been allowed to the petitioner, who in that case was a licensed chemist. It is further argued that petitioner had purchased that said Clovidol-100 SR tablets from PKR Remedies Saharanpur, Uttar Pradesh and the same were being sold in the petitioner's medical shop. In fact there were due entries in his stock register to the effect that he had purchased the said tablets. It is further submitted that the petitioner herein was allowed interim bail by an

order dated 03.03.2020. However, he was directed to secure the attendance of the proprietor of PKR Remedies, Saharanpur, Uttar Pradesh who would give a statement regarding the genuineness of the sale to the petitioner herein. It is stated that the said proprietor is in custody in some matter and hence the petitioner is unable to comply with the order dated 03.03.2020 or furnish his affidavit. It is further stated that trial has commenced and charges have been framed against the petitioner and therefore interim bail allowed by the High Court should be confirmed.

Learned counsel for the respondent-State does not dispute the fact that the trial has commenced and charges have been framed against the petitioner herein.

I have heard learned counsel for the petitioner for confirmation of the interim bail allowed to the petitioner. A perusal of the order dated 03.03.2020 would reflect that Co-ordinate Bench had taken note of the contentions raised by the counsel for the petitioner and also judgment relied upon and allowed interim bail to the petitioner. However, there was already a direction to the petitioner to secure the presence of the proprietor of PKR Remedies, Saharanpur, Uttar Pradesh, which appears would not be possible for the petitioner to do so, considering the fact that the said proprietor is in judicial custody.

Be that as it may, since the petitioner is already on interim bail and the trial has commenced, the order dated 03.03.2020 is hereby confirmed subject to terms and conditions as contained in order dated 03.03.2020.

January 28, 2022

P.Bhatt

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes/No
Yes/No