

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

207

CRM-M-47860-2022 (O&M)

Date of decision: 21.10.2022

SONU JUNEJA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. M.S. Joshi, Additional AG Punjab.

AMAN CHAUDHARY. J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.157 dated 02.07.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Muktsar Sahib, District Muktsar Sahib.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner is of 350 intoxicant tablets of Clobedol-100 SR, which is non-commercial in nature as per the Schedule. The petitioner has been in custody since 02.07.2022. Challan has already been filed and that there is no other case against the petitioner under the NDPS Act. He further submits that no independent witness has been associated and other mandatory provisions of Section 42 and 50 of the NDPS Act have also not been complied with.

Per contra, learned State counsel opposes the bail petition on the ground that total 7000 tablets were recovered from the petitioner as well as his co-accused, taken together is commercial in nature. However, he is unable to controvert the fact that the petitioner is in custody since 02.07.2022 and challan has been presented, though charges have been framed, no witness has been

examined and that there is no other case under the NDPS Act against the petitioner.

In rebuttal, learned counsel for the petitioner submits that the quantity cannot be considered as commercial inasmuch as individual recovery has to be taken into consideration as per the judgment of **Sami Ullaha Vs. Superintendent, Narcotric Central Bureau, 2009 (1) RCR (Criminal) 40**

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case particularly that the recovery from the petitioner being non-commercial in view of the aforesaid judgment as also the fact that challan has been filed; the petitioner is in custody since 02.07.2022; charges have been framed, however trial has yet to commence, which is likely to take time and that his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the*

case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse his liberty.

7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations

(AMAN CHAUDHARY)
JUDGE

October 21, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>