

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53083-2021

DATE OF DECISION: FEBRUARY 17, 2022

KAPIL JAIN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. P.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.77 dated 21.11.2021, under Section 22, 29 NDPS Act, Police Station GRP Sangrur, District Sangrur, who is in custody since his arrest on 23.11.2021.

The allegations contained in the FIR as noticed by the Judge, Special Court, Sangrur, in the order dated 10.12.2021, are as under:-

“From the perusal of the record, it is revealed that the present FIR was registered against the applicant-accused on the allegations that the co-accused was found in conscious possession of 58 intoxicant vials of Chlorpheniramine Maleate @ Codeine Phosphate Syrup OMEREX 100 ml each. During investigation, he disclosed that he brought the said contraband from the applicant-accused. From the conscious possession of the applicant-accused 10 vials of Chlorpheniramine Maleate @ Codeine Phosphate Syrup OMEREX 100 ml each have also been recovered.”

Learned counsel for the petitioner has argued that as per the allegations in the FIR, initially 58 vials of Chlorpheniramine Maleate @

Codeine Phosphate Syrup OMEREX 100 ml each were recovered from co-accused Lovepreet Singh and subsequently, on his disclosure statement, the petitioner was implicated. He submits that though during investigation, 10 vials of Chlorpheniramine Maleate @ Codeine Phosphate Syrup OMEREX 100 ml each were recovered from the petitioner, but the same would fall within non-commercial quantity. Learned counsel for the petitioner states that the petitioner is not involved in any other case and prays for bail.

On the other hand, learned State counsel assisted by SI Inderjeet Singh has opposed the aforesaid prayer, but does not dispute the above sequence of recoveries as narrated by learned counsel for the petitioner and submits that the investigation in the case is nearly complete. He has further produced the custody certificate of the petitioner dated 16.2.2022, filed by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda, which indicates that he is not involved in any other case of similar nature.

Considering the above background, and the fact that the recovered quantity falls within the category of non-commercial, therefore, further detention of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody since 23.11.2021.

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

The petition is allowed.

February 17, 2022

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE