

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106-206

CRM-M-160-2022 (O&M)

Date of Decision: 13.12.2022

Mohammad Sameer @ Sameer

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Manpreet Ghuman, Advocate for
Mr. Arihant Jain, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J. (Oral)

CRM-18955-2022

This application is for preponement of the date of hearing of the main case which was fixed for 11.07.2022. Since that date has already gone and the petition has been listed thereafter twice, on 11.07.2022 and thereafter on 01.12.2022 and today is the third date for listing of the main case, which renders the present application as infructuous.

Disposed off, accordingly.

CRM-45189-2022

This application for preponment of the date of hearing of the main case from 13.12.2022 to an early date has become infructuous and is therefore, disposed of accordingly.

Main case

(1) The petitioner has filed this petition under Section 439 CrPC seeking regular bail in case FIR No.141 dated 05.10.2021 under Sections

22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City-I, Malerkotla, District Malerkotla.

(2) Learned counsel for the petitioner contends that the medical store from where the recovery has been effected, belongs to co-accused Shamshad who is the real brother of the petitioner. Counsel for the petitioner has contended that at the time of raid, it was Shamshad, who was present at the store and had run away from the shop. The raiding party called the family of Shamshad and falsely implicated the petitioner, who is having no role in running of the said medical store.

(3) Reply dated 13.09.2022 filed by Kuldeep Singh, PPS, DSP Sub Division, Malerkotla, District Malerkotla, is taken on record.

(4) Learned State counsel, on instructions from SI Harnek Singh, submits that the recovery of intoxicant tablets, which is commercial in nature, has been effected from the medical store.

(5) However, in the light of the fact that Shamshad is the main accused, who had already been granted the concession of interim bail, vide order dated 09.11.2021 which was later on confirmed on 03.12.2022 by this Court passed in CRM-M-45383-2021, from whom no recovery is to be effected and in fact, the present petitioner is in custody since last 1 year 2 month 5 days as also the stand taken by learned State counsel is also to be taken into account that no recovery is to be effected from the petitioner as well and no custodial interrogation is to be made and that the trial is likely to be take some time and the case before the trial court is fixed for PWs and charges have been framed on 19.05.2022, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail

and surety bonds to the satisfaction of the trial Court/Illaqa Magistrate,

concerned.

13.12.2022
V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No