

CRM-M-6633-2022 (O&M);
CRM-M-7585-2022(O&M) ;
CRM-M-5756-2022(O&M) and
CRM-M-23755-2023 (O&M)

2023:PHHC:089927

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6633-2022 (O&M)
Date of Decision: 18.07.2023

(I)
Rajan Sharma

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-7585-2022(O&M)

(II)
Ankit Sharma

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-5756-2022(O&M)

(III)
Honey Viridi @ Honey

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-23755-2023 (O&M)

(IV)
Onkar Singh @ Raju

....Petitioner(s)

Versus

CRM-M-6633-2022 (O&M);
CRM-M-7585-2022(O&M) ;
CRM-M-5756-2022(O&M) and
CRM-M-23755-2023 (O&M)

2023:PHHC:089927

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State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Randhawa, Advocate,
for the petitioner in CRM-M-6633-2022 and
CRM-M-7585-2022.

Mr. Parveen Chauhan, Advocate,
for the petitioner in CRM-M-5756-2022.

Mr. Vikram Jeet Singh, Advocate for
Mr. Manoj Sharma, Advocate,
for the petitioner in CRM-M-23755-2023.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. All the four petitions are taken up together for final disposal with the consent of learned counsel for the parties since all the four petitions arise out of the same FIR and the prayer in all the four cases is for the grant of regular bail.

2. All the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 241 dated 05.11.2021, under Sections 21, 22 and 29 of NDPS Act, registered at Police Station Division No.8, District Police Commissionerate Jalandhar, District Jalandhar.

3. Learned counsels appearing on behalf of the petitioners in all the four cases submitted that it is a case where the petitioners have been falsely implicated in the present case and they have already faced

incarceration for about 1 year and 8 months and the charges in the present case were framed on 23.05.2022 and till date only one prosecution witness has been examined and the trial has been delayed for no fault of the petitioners and the prosecution witnesses are not coming forth for deposing before the learned trial Court. They submitted that the petitioners are not involved in any other case except for one petitioner namely Onkar Singh @ Raju who is stated to be involved in one more case under the NDPS Act. They further submitted that considering the long custody of the petitioners, they may be considered for the grant of regular bail.

4. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab on instructions from ASI Manjeet Ram has submitted that it is a case where all the petitioners do not deserve the concession of regular bail. While giving the sequence of events of the present allegations contained in the FIR and which have come up during investigation, he submitted that initially the police party had apprehended petitioner Onkar Singh @ Raju and after due compliance of the procedure envisaged under the provisions of the NDPS Act where a recovery of 3000 tablets of Tramadol was effected from the petitioner Onkar Singh @ Raju when he was on his scooter. During the course of investigation, he gave a disclosure statement to the effect that he got these tablets from the other petitioner namely Honey Viridi @ Honey and his two friends who are engaged in this illicit business of the aforesaid tablets consisting of Tramadol salt. Thereafter, on the basis of the information supplied by the aforesaid Onkar Singh @ Raju, the premises where petitioner namely Honey Viridi @ Honey was residing, although on a

rented accommodation was raided and one independent witness was also joined in this regard. Although the petitioner Honey Viridi @ Money was not found on the spot as he fled away but on the spot the other two petitioners namely, Rajan Sharma and Ankit Sharma were found and it was on their disclosure that from the almirah there was a huge recovery of 93000 tablets consisting of Tramadol salt regarding which the report of the Forensic Science Laboratory has also been obtained. He further submitted that it was a nexus which was being operative and considering the huge recovery which otherwise also falls in the category of commercial quantity under the NDPS Act, the prayer of all the petitioners is hit by the bar contained under Section 37 of the NDPS Act and there is no ground available with the petitioner to make a departure from the same and has therefore vehemently opposed the grant of regular bail to the petitioners.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioners are in custody for about 1 year and 8 months. One prosecution witness has already been examined. One of the petitioner namely Onkar Singh @ Raju is stated to be involved in one more case under the NDPS Act and from whom there was alleged recovery of 3000 tablets of Tramadol. So far as the petitioner Honey Viridi @ Honey is concerned, the recovery was made from the house of the petitioner where he was residing, although as per the learned counsel for the State it is a rented accommodation and so far as the other two petitioners namely, Rajan Sharma and Ankit Sharma are concerned, those persons were allegedly in the house from where there was a recovery of 93000 tablets of

Tramadol from an almirah. This Court does not wish to make any observation on the merits of the case but since the recovery in the present case is very large, the prayer of the petitioners will be certainly hit by the bar contained under Section 37 of the NDPS Act . Learned counsels for the petitioners have not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act .

7. In view of the aforesaid facts and circumstances and considering the gravity of the offence and the bar contained under Section 37 of the NDPS Act, no ground is made out for grant of regular bail.

8. Consequently, all the four petitions are dismissed.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

18.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No