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

**CRM-M-7427-2023 (O&M)
DECIDED ON: 16th FEBRUARY, 2023**

JAVED IQBAL

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 32 dated 06.08.2022, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Thulliwal, District Barnala.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner. He further submits that recovery of 100 tablets of Celcidal-100 SR has been effected from the possession of the main accused Karamjit Singh and on whose disclosure statement accused Mohammad Anas and Mohammad Fazan have been arrested on 02.09.2022. The alleged recovery from Mohammad Anas is of total 1000

intoxicant tablets of Noxox-N MFD and total 230 intoxicant tablets of Buprisan-N2/0.5 mg whereas the alleged recovery from Mohammad Fazan is of total 2300 intoxicant tablets of Calidol 100 SR and 3000 loose intoxicant tablets along with 1500 intoxicant tablets of Buprisan-N2/0.5 mg.

The assertion is that the name of the petitioner has been surfaced in the present case on the basis of disclosure statement of Mohammad Irfan, who has already been granted the concession of regular bail by this Court vide order dated 25.01.2023 passed in CRM-M-51068-2022 (Annexure P-1).

It is asserted that the main accused namely Karamjit Singh from whom the recovery of total 500 intoxicating tablets of Celcidal-100 SR has been effected, has already been discharged by learned trial Court on the basis of report of FSL/chemical examiner as the salt found in those tablets does not fall within the ambit of NDPS Act.

Custody certificate of the petitioner filed by learned State counsel is taken on record. According to which the petitioner has suffered incarceration for a period of 4 months and 22 days and he is not involved in any other case of any nature.

Learned State counsel, on instructions from ASI Manjit Singh, submits does not controvert the fact with regard to the discharge of Karamjit Singh and also the factum that no recovery has been effected from the petitioner.

Considering the afore-said facts and circumstances and the period so far undergone by the petitioner i.e. 4 months and 22 days added with the fact that the co-accused namely Mohammad Irfan on whose

disclosure statement the name of the petitioner has been surfaced in the present case has already been granted the concession of regular bail by this Court, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in view of the afore-said terms.

(SANDEEP MOUDGIL)
JUDGE

16th FEBRUARY, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No