

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

CRM-M-12058-2023

Date of decision: 4th July, 2023

Krishan Kumar Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohit Kapoor, Advocate for the petitioner.
Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking regular bail in FIR No. 344, dated 13th July, 2020, under Sections 22(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act,) (Section 29 of the NDPS Act and Sections 7 and 13 of Prevention of Corruption Amendment Act, 2018 and Sections 465, 467, 468, 470, 471, 120-B of Indian Penal Code, 1860 added later on), registered at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner relies upon the order dated 19th May, 2023 passed in CRM-M-3182-2022, whereby the petitioner was granted regular bail in a connected case i.e. FIR No. 72, dated 23rd May, 2020 on the basis of medical condition of the petitioner,.

3. The following order was passed by this Court on 19th May, 2023 in CRM-M-3182-2022:-

1. This petition is filed seeking regular bail in FIR No. 72, dated 23rd May, 2020, under Sections 21, 22, 25 and 29 of

Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') (Sections 467, 468, 471, 120-B of IPC added lateron) registered at Police Station Mehal Kalan, District Barnala.

2. *The brief facts are that the police party received a secret information on 23.5.2020 that Lovepreet Singh @ Lavi, Ravinder Singh @ Bhinda, Satveer Singh @ Satti, Balwinder Singh @ Nikka and Raminderjeet Singh @Ravi had formed a gang and were indulging in sale and purchase of narcotic substances. Acting upon the information, car bearing registration No. PB11-AY-1700 was checked, Lovepreet Singh @ Lavi, Ravinder Singh @ Bhinda, Satveer Singh @ Satti and Balwinder Singh @ Nikka were apprehended and 2500 tablets of Tramadol with brand name of Clovidol 100 SR manufactured by NUTEC Healthcare Pvt. Ltd. (for short, 'the company') were recovered. During investigation, it revealed that one of the Director of the Company is Gaurav Arora. On the basis of disclosure statement of Balwinder Singh Nikka, 250000 tablets of Clovidol 100 SR manufactured by the company and Rs.4,00,000/- drug money was recovered. Balwinder Singh Nikka named Zulfkar Ali, he was nominated and on his statement, 12000 tablets of Clovidol SR manufactured by the company were recovered on 29.05.2020. Zulfkar Ali further named Bittu Ram, Aman Singla, Manpreet Singh @ Money. Firozdin and Kishnish Garg of P.M. Medical Hall Tapa (found innocent by police). On 2.6.2020, Bittu Ram and Aman Singla were apprehended while travelling in car bearing registration No. PB-19R-8910, recovery of 10500 tablets of Clovidol SR manufactured by the company was effected. On 3.6.2020, Manpreet Singh @ Money was arrested travelling in Maruti Swift car bearing registration No.PB-25F-9052 which was registered in the name of his brother Amanpreet Singh. 5000 tablets of Clovidol SR manufactured by the company were recovered.*

3. *On further investigation from Zulfkar Ali regarding source of the tablets recovered, he named Harish Bhatia who was nominated on 22.6.2020. Harish Bhatia was arrested on 11.7.2020 from West Bengal and on his disclosure statement, on 15.7.2020 recovery of 97600 tablets of Clovidol SR manufactured by the company was made from an office of a Transport Company at Pilibhit. Harish Bhatia disclosed that he had taken a room on rent in Amritsar along with Sachin*

Sharma, based at Haryana and one Narinder Khanna of Amritsar, both the persons were nominated. On 20.7.2020 from the room taken on rent by Harish Bhatia and others, 20000 tablets of Clovidol SR manufactured by the company were recovered.

4. *Harish Bhatia named Rajesh, owner of SBC Transporter, Amritsar as also Amit Kumar @ Rajan, Mayank Singh Rathaur and Jitender Kumar @ Vicky, both based at Agra.*

5. *On 18.07.2020, Narinder Khanna and Sachin Sharma were arrested. From Sachin Sharma, 100000 tablets of Clovidol SR manufactured by the company and ₹4,50,000/- drug money were recovered. From Narinder Khanna, 640600 tablets of Clovidol SR manufactured by the company and 1,60,000 tablets (120000 tablets of Parvon Spas manufactured by Redley Pharma Private Limited and 40000 tablets of Parvon Spas manufactured by the company) were recovered.*

6. *Rajesh was arrested on the intervening night of 18/19.07.2020, at his instance on 20.07.2020, recovery of 50000 tablets of Clovidol SR was effected. During interrogation, he named Deepak Arora who was arrested and on his disclosure, 75000 tablets of Clovidol SR manufactured by the company were recovered. Rajesh named Varinder Kumar who was arrested on 19.07.2020, recovery of 3200 tablets of Alprazolam manufactured by the company was effected from him. He was working as a driver with co-accused Amit Kumar @ Rajan.*

7. *Jatinder Kumar who was named by Harish Bhatia was arrested on 25.07.2020. Recovery of 120454 capsules and tablets manufactured by Redley Pharma Private Limited was made on 28.07.2020. On 5.8.2020, at his instance 12000 loose tablets of Clovidol-SR manufactured by the company were recovered.*

8. *Dhirender Singh Rathaur was named by co-accused Jatinder Kumar. He was already in custody in FIR No. 344, dated 13.07.2020 and produced on production warrants. No recovery was effected from him.*

9. *Krishan Kumar Arora (petitioner) and Gaurav Arora were arrayed as accused on 26.07.2020, on basis of interrogation of Harish Bhatia and Jatinder Kumar. Both were arrested on 27.08.2020 from Delhi.*

10. *On disclosure statement of Gaurav Arora on 02.09.2020, recovery of two crores and eighty four lakhs tablets was made from the*

manufacturing unit as well as Warehouse. Fifteen kilograms of broken tablets of Clovidol-SR were also recovered from Godown. The detail of recovered tablets and capsules is as under:-

<i>Sr. No.</i>	<i>Tablet</i>	<i>Quantity</i>	<i>Salt</i>
1.	CLOVIDOL 100-SR	6614500	TRAMADOL HYDROCHLORIDE
2.	ALKO 1	2213500	ALPRAZOLAM
3.	TRIO SR	1118000	TRAMADOL HYDROCHLORIDE
4.	ALPRAZOLAM 0.5	3090000	ALPRAZOLAM
5.	TARMONIL EXTRA	938200	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN
6.	PROZOLAM 0.5	2591200	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN DICYCLOMINE
7.	ULTIMACET	540300	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN
8.	TREDOL 100SR	168000	TRAMADOL HYDROCHLORIDE
9.	BROODOL	817250	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN
10.	ACLO-SP	16000	ALPRAZOLAM ACETAMINOPHEN
11.	OPEN TABLET	15 KG 70 GM	TRAMADOL HYDROCHLORIDE ALPRAZOLAM

<i>Sr. No.</i>	<i>Capsule</i>	<i>Quantity</i>	<i>Salt</i>
1)	SIMPLEX +	2105520	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN DICYCLOMINE HYDROCHLORIDE
2)	SIMPLEX C+	3622752	TRAMADOL HYDROCHLORIDE DICYCLOMINE HYDROCHLORIDE CHLORPHENIRAMINE MALEAT

3)	SINPHLEX +	258192	TRAMADOL HYDROCHLORIDE ACETAMINO PHENDICYCLOMINE HYDROCHLORIDE
4)	FORIDOL	519900	TRAMADOL HYDROCHLORIDE
5)	PERVORIN	2240600	TRAMADOL SPAS HYDROCHLORIDE DICYCLOMINE HYDROCHLORIDE CHLORPHENIRAMINE MALEAT DICLOFENAC SODIUM
6)	PEEWON SPAS	199000	TRAMADOL HYDROCHLORIDE DICYCLOMI NE HYDROCHLORIDE CHLORPHENIRAMINE MALEAT

11. On disclosure statement of Jatinder Kumar, Gaurav Aggarwal was nominated on 26.7.2020. He was arrested on production warrants on 27.7.2020. No recovery was effected from him.

12. On disclosure statement of Harish Bhatia, Amit Kumar @ Rajan was nominated on 14.7.2020 and arrested on 19.7.2020. Recovery of 142000 tablets of Parvon Spas, 200000 tablets of Clovidol- SR and 175700 tablets of Alparazolam manufactured by the company was effected. He was not having a licence to possess the recovered tablets.

13. In the present case following order was passed on 21st April, 2023:-

1. “Application bearing **CRM-16807-2023** in **CRM-M-12058-2023** and application bearing No. **CRM-16833-2023** in **CRM-M-3182-2022** are filed seeking interim bail for three months to the applicant in case of FIR No. 344 dated 13.7.2020 under Sections 22(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NDPS Act’) (Sections 29 of the NDPS Act, Sections 7 and 13 of the Prevention of Corruption Act, 1988 and Sections 465, 467,

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468, 471, 120-B IPC added later on) registered at P.S City Barnala, District Barnala and FIR No. 72 dated 23.5.2020 under Sections 21, 22, 25 and 29 of the NDPS Act (Sections 467, 468, 471, 120-B IPC added later on) registered at P.S Mehal Kalan, District Barnala respectively on the medical ground.

2. Status report filed on behalf of the State is taken on record. Copy of the same has been supplied to the counsel for the applicant.

3. As per the reply filed, the applicant/petitioner underwent a surgery and is unable to carry out his daily routine activities independently. The relevant portion of the Medical Status report (Annexure R-1) is quoted herein below :-

“He underwent operation of Right Proximal 1/3rd shaft of humerus fracture and left proximal shaft of humerus fracture. He underwent treatment ORIF with plating of right humerus and ORIF with nailing left humerus. He was discharge on 09.04.2023. As per medical record of Max Super Specialty Hospital Mohali. He complaints of pain in both upper limbs and unable to move both limbs (arms) since then. He has difficulty in performing day to day daily activities and condition is same.”

4. Considering the averments made in the applications, the same are allowed and the applicant is granted interim bail for three months on furnishing of bail bond/surety bond to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

5. The applicant will surrender back to the jail authorities immediately after completion of three months.

6. Photocopy of this order be placed on the file of the connected case(s).

14. *Learned counsel for the petitioner submits that medical condition of the petitioner has not improved.*

15. *Learned State counsel on instructions from ASI Jagdev Singh is not disputing the medical condition of the petitioner as also the fact that petitioner is not in a position to perform daily activities in his prevailing condition. However, he submits that petitioner be asked to furnish his undertaking to make himself present in the trial Court on the dates when his physical presence is necessitated.*

16. *Learned counsel for the petitioner on instructions submits that petitioner will ensure his presence in the trial Court as and when called for and his failure may itself be considered as a suffice ground for cancelling the bail.*

17. *Without commenting upon the merits of the case, considering the medical condition of the petitioner, petitioner is granted bail in the abovesaid FIR, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned as also its undertaking for his appearance.*

18. *The petition is allowed.*

19. *It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.*

20. *Since the main petition is allowed, pending application, if any is rendered infructuous.”*

4. Learned State counsel submits that reply filed today in CRM-M-41311-2022 is being adopted in this case also. Though he opposes the prayer for grant of bail but he is not in a position to dispute the medical condition of the petitioner.

5. Without commenting upon the merits of the case, considering that in a similar FIR the petitioner was granted bail on medical ground, the petition is released on bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. Since the main case has been decided, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

4th July, 2023

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No