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216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16527-2023
Date of Decision: 06.07.2023

Rajan Sondhi

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sunil Chadha, Senior Advocate, with
Mr. Akshay Chadha, Advocate,
Mr. Rohit Mittal, Advocate,
Mr. Ankur Gosain, Advocate,
Ms. Taanvi Dhull, Advocate, and
Ms. Kashish Aggarwal, Advocate,
for the petitioner.

Mr. K.K.Chahal, Additional Advocate General, Haryana,
for respondent No.1.

Mr. Sourabh Goel, Senior Standing Counsel,
for respondent No.2-DRI.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case File No.DRI/DZU/34/ENQ-14/2022 under Sections 9, 25, 25(A), 27(A) 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985, in which Complaint NDPS/19/2023 dated 25.01.2023 titled as 'State of Haryana Vs. Mohammad Azam and others' has been filed for offences punishable under Sections 8(c), 22(C), 25, 27A, 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

It is submitted by the learned Senior counsel for the petitioner

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that although the petitioner was partner in a firm, named M/s Shree Murlidhar Industries. However, that the business of that partnership had not really picked up. Therefore, the premises of the manufacturing facility of the partnership had become defunct. The petitioner stopped participation in any activity of the said partnership firm when the other three partners, namely Mohit Sawhney, Vijay Sharma and Shyam Lal Goyal, were managing the affairs of the said firm. They had leased the premises of the firm to three persons, namely Mohammad Azam, Wafadar Gajnafer Hussain and Santosh Singh alias Raju. The said persons were manufacturing ephedrine material which falls in the definition of psychotropic substances. The petitioner was not aware of any such activity in the premises of the firm. Even the other partners of the firm have verified the fact that the petitioner was not participating in the activities of the said firm. Therefore, the petitioner is not involved in the crime as alleged in the present petition. The petitioner has been in custody since 06.09.2022. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned Senior Standing Counsel for respondent No.2-DRI has submitted that the petitioner is involved in a heinous crime. There has been a huge recovery of 661 kgs. of ephedrine material from the premises belonging to the firm of which the petitioner had been a partner. Learned counsel has further submitted that the firm was providing logistic services to the persons, who were operating the manufacturing facilities in the premises on instructions of partners, namely

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Mohit Sawhney and Vijay Sharma. Since the petitioner was one of the partners, therefore, he is also liable for the activities of the partnership firm. However, it is not disputed that even as per the assertions of the other partners of the firm, the petitioner was not participating in the activities of the firm as such. It is also not disputed that the petitioner was not involved either in purchase of the material for manufacturing the drugs in the premises or in the supply or marketing of the same. Still further it is not disputed that the petitioner has been in custody since 06.09.2022.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

06.07.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No