

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-63876-2023

Date of decision : 22.12.2023

Tarun Arora @ Tannu Arora @ Ravi**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present :- Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court by way of filing this fourth petition praying for grant of regular bail in case bearing FIR No.155 dated 02.09.2021 under Section 22(C) (Section 29 added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station 'E' Division, District Police Commissionerate Amritsar.

2. Adumbrated facts of the case are that the police party received a secret information that Santokh Singh son of Mukhtiar Singh and Tarun Sharma @ Tarun and Tannu Arora have formed a gang by bringing intoxicating tablets from outside and they used to supply the same in the city. It was informed that Santokh Singh and Tarun Sharma @ Tarun were going on Activa bearing No.PB-02-CJ-2652 to sell the intoxicant tablets from Lakad Mandi towards Sai Sewa Bazaar. In case of nakabandi, they could be arrested with the contraband. On the basis of the secret information, nakabandi was done by the police and two Hindu boys

coming on Aactiva were nabbed by them. On asking by the police, the driver told his name as Santokh Singh and other young man who was pillion rider told his name as Tarun Sharma @ Tarun. They were having a bag. They were given the offer under Section 50 of NDPS Act for their search after conducting the necessary formalities. On being searched, 53100 intoxicant tablets were recovered from the bag and the accused failed to produce any license or permit. FIR was registered and the investigation commenced. During investigation, they disclosed about the involvement of the present petitioner that the contraband being carried by them was supplied by the petitioner. Tramadol Hydrochloride was found to be contained in the tablets. The weight of each tablet was found to be 378 mg and thus, total weight of the tablets was found to be 20 kg 34 grams. Resultantly, the petitioner was arrested on 03.09.2022 and investigation was completed. Petitioner approached the learned Judge, Special Court, Amritsar praying for grant of bail. However, after hearing counsel for the parties, learned Judge, Special Court declined the same vide his order dated 04.11.2022. Aggrieved by the same, petitioner approached this Court earlier thrice but the two petitions were allowed to be dismissed as withdrawn by this Court on 10.01.2023 and thereafter, on 12.05.2023 and the third petition was dismissed on 24.07.2023. Hence, he has approached this Court again by way of filing the present fourth petition for grant of bail.

3. Learned counsel for the petitioner has stated that the petitioner was not arrested on the spot and was involved in the present case on the basis of disclosure statement made by his co-accused. In all there are three accused including the petitioner out of which Santokh

Singh, has already been granted regular bail vide order dated 07.12.2023 passed in CRM-M-22475-2023, while the other accused is still absconding. He has submitted that the petitioner is in custody since 03.09.2022 and the prosecution evidence has still not started. He has further stated that the trial of the present case will take time and no purpose would be served by keeping the accused in custody for such a long time. In the facts and circumstances, he is liable to be released on bail when he has clean antecedents.

4. On the other hand, the learned State counsel opposed the submissions made by learned counsel for the petitioner. He has stated that the supplementary challan was filed on 15.09.2023 and case is pending for framing of charges and the prosecution evidence is yet to start. He has further admitted that the co-accused of the petitioner, namely, Santokh Singh, has already been granted bail while the other accused is still absconding. On instructions, he has stated that petitioner is not involved in any other case. He, however, submits that the petitioner is involved in serious offence and as such his bail is liable to be rejected.

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

6. Admittedly, the petitioner is in custody since 03.09.2022; the trial of the present case will take time to conclude; the prosecution evidence is yet to start and co-accused of the petitioner, namely, Santokh Singh has already been granted bail by this Court vide order dated 07.12.2023 passed in CRM-M-22475-2023; the petitioner is not involved in any other case, thus, keeping in view all these facts and circumstances, this Court is of the view that learned counsel for the petitioner has been able to make out a case for the grant of regular bail to the petitioner.

Accordingly, without commenting anything on the merits of the case, the present petition is allowed and petitioner-Tarun Arora @ Tannu Arora @ Ravi S/o Rachhpal Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.12.2023

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(RAJESH BHARDWAJ)
JUDGE

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