



CRM-M-895-2024 and another connected matter

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212 – 2 cases

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

Date of Decision:- 20.08.2024

(1)

CRM-M-895-2024

Arvind Kumar @ Chinnu

...Petitioner

Vs.

State of Punjab

...Respondent

(2)

CRM-M-8544-2024

Jaspreet Singh @ Jassi @ Jassu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

**Present:- Mr. Lupil Gupta, Advocate with
Mr. Satish Kumar, Advocate
for the petitioner in CRM-M-895-2024.**

**Ms. Manju Goyal, Advocate
for the petitioner in CRM-M-8544-2024.**

Mr. Kewal Singh, Addl. A.G., Punjab.

AMARJOT BHATTI, J.

1. The petitioners – Arvind Kumar @ Chinnu and Jaspreet Singh @ Jassi @ Jassu have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 112 dated 09.06.2023, under Sections 22-C and 29 (added later on) of NDPS, Act, 1985 registered at Police Station

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Canal Colony, Bathinda. These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. Facts of the case are that on 09.06.2023 SI Parminder Singh and police party was going from Police Station Canal Colony to Multaniya road and when they reached near Street No.4 Sharma Furniture Store, at about 10:00 PM, they spotted two young men coming from Street No.4. Tall young man was holding a bag in his right hand. On seeing the police party, he turned towards vacant plot towards their left side. The investigating officer stopped the vehicle and with the help of police party controlled both the young boys. One of the boy who was holding a mehroon bag disclosed his name as Arvind Kumar @ Chinnu whereas the other boy disclosed his name as Jaspreet Singh @ Jassi @ Jassu. Suspecting some intoxicant/drug search was conducted after completing all the formalities. From the said mehroon bag 22 bottles of intoxicant material Wincerex Cough syrup Codeine Phosphate and Chlorpheniramine Maleate syrup were recovered which were taken into police possession. On the basis of this recovery, present FIR was registered.

3. Learned counsel for petitioner Arvind Kumar @ Chinnu in CRM-M-895-2024 argued that he is falsely implicated in this case. False recovery has been planted on him. He was arrested on 09.06.2023, since then he is in custody. He was involved in another FIR No.139 dated 10.07.2020 under Section 22 of NDPS Act, registered at Police Station Sangat, District Bathinda in which he was granted bail. Copy of order is Annexure P-3. In the case in hand challan is already presented and the case is fixed for prosecution evidence. Trial is going at a slow pace whereas he

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is in custody for the last more than one year. Therefore, he may be granted concession of regular bail.

4. Learned counsel representing petitioner Jaspreet Singh @ Jassi @ Jassu in CRM-M-8544-2024 argued that as per the facts of the case no recovery was effected from his possession. In fact other co-accused was carrying a bag from which alleged recovery was effected. He is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed. Learned counsel for petitioner further placed on record one copy of judgement dated 27.04.2016 in FIR No. 127 dated 01.08.2014, under Section 21 of NDPS Act, Police Station Canal Colony, Bathinda where he was acquitted by the trial court.

5. Bail petitions are opposed by learned counsel representing State on the ground that it is a case of recovery falling in commercial quantity. Trial in this case is in progress. Challan was presented on 16.08.2023 and chargesheet was framed on 02.09.2023 and till date three of the prosecution witnesses have been examined. Considering the gravity of offence petitioners are not entitled to be released on bail.

6. I have considered the arguments and have gone through the record. As per the facts narrated above, it is a case of recovery of 22 bottles of intoxicant material Wincerex Cough syrup Codeine Phosphate and Chlorpheniramine Maleate syrup and the said recovery falls in commercial quantity. Trial in this case is in progress and it is fixed for prosecution evidence. Till date three of the prosecution witnesses have been examined. Considering the stringent provisions of Section 37 of NDPS Act, I do not find a fit case for regular bail qua Arvind Kumar @

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Chinnu and his regular bail petition is declined.

7. So far as petitioner Jaspreet Singh @ Jassi @ Jassu in CRM-M-8544-2024 is concerned, he was accompanying co-accused Arvind Kumar @ Chinnu. The bag containing 22 bottles of Wincerex Cough syrup Codeine Phosphate and Chlorpheniramine Maleate syrup was recovered from the possession of Arvind Kumar @ Chinnu. Considering the contents of FIR, without expressing my mind on the merits of the case, regular bail petition filed by Jaspreet Singh @ Jassi @ Jassu in CRM-M-8544-2024 is allowed. He is ordered to be released on bail on furnishing his bail bonds and surety bonds to the satisfaction of Illaqa Magistrate/Duty Judge concerned.

8. My above observations are made only for disposal of aforesaid bail petitions filed by aforesaid petitioners and it has no bearing on the merits of case.

9. Both the petitions are accordingly, disposed of.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

20.08.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No