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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : 18.04.2024

Iqbal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.AG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.168, dated 05.03.2023, registered under Section 29 (later on added) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [Section 21 (c) of NDPS Act, 17, 17-a, 17-b, 18-A, 8 (a) (i), 18 (C), 27 (b) (ii), 27 (C) Drugs and Cosmetics Act 1940 and Sections 420, 467, 468, 471 IPC have been deleted qua the petitioner], at Police Station Camp Palwal District Palwal, Haryana.

Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, *inter alia* submits that secret information was received by the police that co-accused Rajesh Kumar and Pankaj Singla were manufacturing cough syrups without any licence. When the police party raided their premises, both the co-accused Rajesh Kumar and Pankaj Singla were nabbed at the spot and 2850 bottles of ONEREX Cough Syrup were recovered weighing 14,250 Kgs. along with 624 empty bottles, 950 aluminum cap and 400 stickers. Learned counsel has further submitted that thereafter when investigation was carried out, it came to light that co-accused Bharat Bhushan was a supplier of the aforementioned drugs, which had been recovered from the co-accused Rajesh Kumar and

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Pankaj Singla. On further investigation, it allegedly came to light that the petitioner had also purchased cough syrup manufactured by co-accused Rajesh Kumar and Pankaj Singla, Learned counsel has submitted that when he was arrested on 20.04.2023, not even a single bottle of ONEREX Cough Syrup allegedly manufactured by co-accused Rajesh Kumar and Pankaj Singla was recovered. Learned counsel thus submits that it is evidently a case of false implication, which requires to be appreciated in the light of the petitioner having no criminal antecedents. Learned counsel has submitted that since the petitioner has been in custody almost a year now and investigation is now complete, his further incarceration would serve no useful purpose as charges are likely to be framed only on the next date of hearing i.e. 02.05.2024.

Per contra, learned State counsel while opposing prayer and submissions made by counsel opposite, has not disputed the factual aspect of the allegations levelled against the petitioner. It has also not been disputed on instructions from ASI Jasbir that no recovery of any narcotic substance much less spurious cough syrup was affected from the petitioner. Learned State counsel has on further instructions not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act.

I have heard learned counsel and perused the material on record.

As not disputed, investigation in the instant case is complete as challan stands presented and 26 witnesses have been cited by the prosecution. However, likelihood of the trial concluding in the near future does not seem probable as charges are yet to be framed.

In the facts and circumstances, as enumerated hereinabove, the instant petition is allowed. The petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

18.04.2024
monika

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No