



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-26502-2023
Date of Decision: 25.10.2024

Tasleem Arif @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Manpreet Ghuman, Advocate
for the appellant.

Mr. Rahul Jindal, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

1. Petitioner has filed this first petition for grant of regular bail under Section 439 Cr.P.C. in case FIR No.123 dated 30.07.2022 under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-II, Malerkotla, District Malerkotla.
2. Learned counsel for the petitioner contends that the petitioner is in custody since 30.07.2022 and has been falsely implicated where the recovery of the alleged contraband had been made from the shop of the petitioner. She further contends that petitioner being the chemist is having license, which was valid up to 22.03.2024 and the contraband recovered i.e. Tramadol Hydrochloride is of non-commercial quantity and the Alprazolam tablets contained in parcels No.2 and 3 are marginally above the commercial



quantity. She submits that the challan stands presented and charges have been framed as far back on 24.04.2024 and out of total 17 prosecution witnesses, only 06 witnesses have also been examined till today. She further submits that as the petitioner is behind the bars for more than two years and two months and the trial will take sufficient time to conclude, therefore, the petitioner be enlarged on bail.

3. Status report by way of affidavit dated 17.10.2024 of Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkota, District Malerkotla has been filed on behalf of respondent-State, which is taken on record.

4. In view of the status report filed, learned State counsel opposes the prayer for grant of regular bail to the petitioner and has submitted that the firm of the petitioner, namely, M/s Areeb Medical Hall, Malerkotla was not authorized to purchase and sell the drugs having Tramadol Hydrochloride, recovered from the shop of the petitioner. He submits that petitioner is also involved in another case of similar nature. However, he does not dispute that challan stands presented and out of total 17 prosecution witnesses, 06 witnesses have already been examined.

5. Faced with this, learned counsel for the petitioner submits that insofar as another case pending against the petitioner, the petitioner has already been granted bail and she has produced a copy of the order dated 17.05.2021 passed by Judge, Special Court, Sangrur.

6. I have heard learned counsel for the parties.

7. Petitioner is in incarceration since 30.07.2022.

8. It is not a case made out by the respondent-State that in case



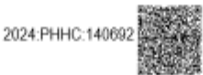
concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Moreover, the alleged contraband (i.e. Tramadol Hydrochloride), which was recovered from the shop of the petitioner is of non-commercial quantity and Alprazolam is marginally above than the minimum commercial quantity classified as (commercial) i.e. 100 grams and petitioner is behind the bars for more than two years. Learned State counsel has not disputed that the petitioner was not having valid license, and same was valid up to 22.03.2024, including the period, when present FIR was registered, but has raised objection qua the sale and purchase of drugs, namely, Tramadol Hydrochloride and not the other one i.e. Alprazolam. Since the challan stands presented, out of total 17 prosecution witnesses only 06 have been examined till today, and the conclusion of trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind the bars.

9. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;*
- 2. he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. he shall not indulge in any criminal activity.*

10. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

11. In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for



cancellation of his bail.

12. The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

25.10.2024
vanita

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