

CRM-2294-2024 in/and
CRM-M-56307-2023 (O&M)

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**131+137 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-2294-2024 in/and
CRM-M-56307-2023 (O&M)
Decided on:-16.01.2024

Arun KumarPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thakur, Advocate for
Mr. S.S. Rangi, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

CRM-2294-2024

Prayer in this application is for preponing the date of hearing
from 23.01.2024 to some early date.

Notice of the application.

Mr. G.S. Dhillon, AAG, Punjab, who is present in Court
accepts notice on behalf of the respondent-State and raises no objection to
the preponement application.

In view of the above, having gone through the contents of the
application, same is allowed and date of hearing of the case is preponed
from 23.01.2024 to today itself for hearing and final disposal.

CRM-51908-2023

Application is allowed as prayed for. Copy of report under

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Section 173 Cr.P.C. as Annexure A-1 is taken on record, subject to all just exceptions. Be tagged at appropriate place.

Main case

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.39, dated 31.05.2023, registered under Sections 22, 26, 27-A, 29 of NDPS Act, 1985 and Sections 18-A and 18(c) of the Drugs and Cosmetics Act, 1940, at Police Station Verka, District Amritsar.

2. In the present case, the petitioner has been implicated on the basis of disclosure statement made by his co-accused namely, Kirpal Singh @ Bhullar, from whom the alleged recovery has been effected, besides it, the petitioner has even failed to produce the bills pertaining to selling the intoxicating tablets, which he has purchased from SVR Pharmaceuticals.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner has been running a Medical Store under the name of 'Arun Medical Store' and no recovery has been effected from him besides it, there is no other case under NDPS Act pending against him. The petitioner has already suffered incarceration for more than 05 months. Moreover, the Director of the SVR Pharmaceuticals namely, Vinod Kumar Samra has already been granted the concession of

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regular bail by this Court vide order dated 10.01.2024 passed in CRM-M-61697-2023. Even the investigation already stands concluded with the filing of challan and trial is likely to take some time. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

16.01.2024
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(HARKESH MANUJA)
JUDGE

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