

107 + 2212024:PHHC:002572

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-61697-2023 (O&M)

Date of Decision: January 10, 2024

VINOD KUMAR SAMRA

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Sandeep Wadhwan, Advocate and
Mr. Suvir Tandon, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.39 dated 31.05.2023 registered under Sections 22 and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act') and Sections 18-A and 18(C) of Drugs and Cosmetics Act, 1940 at P.S. Verka, Amritsar, Sections 61, 26 and 29 of NDPS Act added later on wherein, the petitioner was implicated on the basis of disclosure statement made by co-accused Kirpal Singh with the allegation of having sold 942 tablets of clonazepam.
2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that petitioner sold 942 tablets to the co-accused namely Kirpal Singh besides having sold 250 tablets of similar nature to another co-accused namely Kulwinder Singh

as well in addition to few others thereby taking the total sale against these tablets to Rs.9,590/-

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

4. In the present case, investigation already stands concluded with the filing of challan and the petitioner has mainly been implicated on the basis of disclosure statements made by co-accused Kirpal Singh and Kulwinder Singh who have already been granted the concession of regular bail by the learned Judge, Special Court, Amritsar vide orders dated 10.08.2023 and 05.08.2023 respectively. Moreover, the petitioner is not involved in any other case under NDPS Act and the trial is likely to take some time. Considering the aforesaid circumstances and the fact that the petitioner is not keeping good health, being a kidney patient, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 learned trial Court/Duty Magistrate.

6. Pending application(s), if any, shall also stand disposed of.

10.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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

