



103

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

**CRM-M-58731-2024 (O&M)
Date of decision : 26.11.2024**

Surinder Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. TPS Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short, 'the Cr.P.C.'*) for grant of interim bail for 08 weeks to the petitioner in FIR No.58 dated 24.04.2023, under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City-1, Malerkotla, Punjab on the ground that father of petitioner met with an accident on 05.10.2024 and there is none to look after his father and other family members.

2. Allegations are that 2,70,000 intoxicating tablets (Tramadol Hydrochloride 100 mg Tablets Toridol SR), were recovered from co-accused, namely, Mohd. Tahir, Umardin and Mohd. Shehbaz. Petitioner has been nominated as an accused in the present case on the basis of



3. Contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused Mohd. Tahir. Further contends that petitioner himself surrendered before learned Special Court on 27.07.2023, consequent upon dismissal of his petition for grant of pre-arrest bail on 15.07.2023. Also contended that after presentation of final report under Section 173 Cr.P.C., charges were framed on 06.10.2023, but out of total 45 prosecution witnesses, only 01 has been examined so far. Again contended that father of the petitioner met with an accident on 05.10.2024 and suffered multiple injuries, including fracture of right leg, for which he was operated upon; therefore, learned counsel prays for interim bail for a period of 08 weeks to look after his ailing father.

5. *Per contra*, learned State counsel vehemently opposed the prayer on the ground that heavy quantity of contraband was recovered in this case and which falls under the “commercial” quantity. Further submitted that petitioner was nominated on the basis of disclosure made by co-accused, namely, Mohd. Tahir.

6. Heard learned counsel for the parties and perused the paper-book.

7. In this case, huge quantity, i.e. 2,70,000 intoxicating tablets (Tramadol Hydrochloride 100 mg Tablets Toridol SR), were recovered from the co-accused and petitioner has been nominated as an accused on the basis of disclosure made by one of the co-accused, namely, Mohd. Tahir, which falls under the ‘commercial’ quantity; therefore, the stringent provisions of Section 37 Cr.P.C. are attracted in this case.



8. Moreover, there is nothing on record to show that no one else in the family is available to look after the father of petitioner.
9. In view of the above, there is no option except to dismiss the petition.
10. Ordered accordingly.
11. Above observations be not construed as an expression of opinion on merits of case, in any manner.

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

26.11.2024

atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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