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

CRM-M No.6179 of 2025 (O&M)

Date of decision : 07.02.2025

Lal Krishan @ Parveen

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

CRM No.4395 of 2025

Allowed as prayed for.

CRM-M No.6179-2025

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.142, dated 12.12.2022, under Sections 22(c)/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Khuian Sarver, District Fazilka (Annexure P-1) during the pendency of trial.

2. Succinctly the facts of the case are that the Police party while on patrolling on 12.12.2022, saw two young persons holding bags.



On suspicion, they were stopped and asked about their names. On asking, they disclosed their names as Lal Krishan @ Parveen (petitioner) S/o Ved Parkash and Abhishek S/o Sham Sunder. On suspicion, offer to search the bags was given and on conducting the search, recovery of 150 narcotic bottles of 100 ml each make Chlorpheniramine Maleate & Codeine Phosphate Syrup and 1400 tablets of Carisoprodol were recovered from the present petitioner and of 140 narcotic bottles of 100 ml each make Chlorpheniramine Maleate & Codeine Phosphate Syrup and 1300 tablets of Carisoprodol were recovered from the co-accused, namely, Abhishek. They failed to produce any license regarding the conscious possession of the same and hence, the FIR was registered and the petitioners were arrested on spot. The investigation commenced and samples taken from the contraband were sent to FSL. On completion of the investigation, challan was presented and on framing the charges, the trial Court proceeded with the trial. The petitioner approached the Learned Judge, Special Court, Fazilka praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Fazilka vide order dated 19.05.2023. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-35702-2024 which was allowed to be dismissed as withdrawn vide order dated 01.08.2024. Hence being aggrieved, the petitioner has approached this Court by way of filing the second petition praying for the grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that



the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. It is submitted that there are allegedly two accused who were given joint offer by the Investigating Officer and thus, there is gross violation of Section 50 of NDPS Act. He submits that the tablets recovered from the petitioner do not fall under the purview of NDPS Act, whereas the syrup bottles recovered have been planted on the petitioner. He submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last more than 02 years, however, there is no progress in the trial. He, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in **CRM-M-49518-2024** dated 29.01.2025, whereby co-accused of the petitioner, namely, Abhishek has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He has submitted that thus on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail by this Court.

4. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioner and submits that the contraband recovered from the petitioner was found to be Codeine phosphate which is a heavy commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted. He submits that there is no violation of Section 50 of the NDPS Act. He submits that out of total 16



prosecution witnesses, only 03 have been examined so far and the petitioner is involved in 02 other cases under the IPC. He has yet endorsed the fact that the case of petitioner is at par with the co-accused, namely, Abhishek, who has already been granted bail by this Court.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 150 narcotic bottles of 100/100 ml make Chlorpheniramine Maleate & Codeine Phosphate Syrup and 1400 tablets of Carisoprodol. The recovery has been effected from a public place. As submitted before this Court, the petitioner is involved in 02 other cases for the offences under the IPC Act. There is no gain saying that speedy trial is the fundamental right of every accused, however, out of 16 prosecution witnesses, 03 witnesses have been examined till date. The petitioner is in custody for the last about 02 years and co-accused, namely, Abhishek, whose case is stated to be at par with the petitioner, has already been granted bail by this Court vide order dated 29.01.2025.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity as the co-accused has already been admitted to bail by this Court vide order dated

29.01.2025 passed in CRM-M-49518-2024. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.02.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No