



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-46312-2024
Decided on : 09.01.2025

Vijay Kumar alias Chintu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh Sekhon, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by ASI Mahinder Singh.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner – Vijay Kumar alias Chintu, who has been booked for having committed the offence punishable under Sections 22(C) and 27-A of the NDPS Act, 1985, in FIR No. 161, dated 06.06.2021, registered at Police Station Sadar Fatehabad, District Fatehabad, during the pendency of trial.

2. Learned counsel for the petitioner submits that the recovery from the petitioner consists of only 18 bottles of cough syrup, branded as 'Wincirex,' with each bottle containing 100 ml. Therefore, the total quantity of cough syrup is approximately 1800 ml. However, the actual quantity of 'codeine' in all those 18 bottles combined would amount to around 4½ grams.

3. Another allegation against the petitioner is based on the



recovery of 100 bottles of 'Wincirex' syrup from the main accused, Vinod Kumar. It is alleged that, according to the disclosure statement of Vinod Kumar, these 100 bottles were purchased by him from the present petitioner. The prosecution further developed its case by claiming that the petitioner was in possession of 120 bottles of 'Wincirex' syrup, of which two had allegedly been consumed by the petitioner himself.

4. Learned counsel also relies upon the order dated **03.05.2024**, passed by the Hon'ble Apex Court in **SLP (Crl.) No.15496 of 2023**, titled as, "**Saddam Hossain vs. State of West Bengal**", wherein, the recovered substance was 72 bottles of 100 ml Phensedyl Syrup were seized and since each 5 ml. contains 10 mg. of codeine phosphate, was considered as 14.4 grams in the total 72 bottles, and thereupon, petitioner therein was ordered to be released on bail.

Copy of the order dated 03.05.2025 produced by counsel for the petitioner, is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

5. In addition, learned counsel for the petitioner submits that petitioner is inside jail for more than 1 year and 4 months, even if the period of incarceration undergone by him in other cases, is not counted. He also submits that out of total 22 prosecution witnesses, only 2 witnesses have been examined. There are very bleak chances of culmination of trial in near future. Thus, prays for releasing the petitioner on regular bail.

Besides, learned counsel also submits that petitioner would face consequences, in case again he will get indulge in similar activities.

6. On the other hand, learned State counsel while opposing the



prayer made in the petition, submits that petitioner is involved in a very serious offences, which is menace for the whole society. He also points out that apparently petitioner is involved in more than one case and has already been convicted also. However, he does not dispute the submissions, which have already been addressed by learned counsel for the petitioner and same are already recorded here-in-above that the Hon'ble Apex Court in similar situation, in *Saddam Hossain's case (supra)*, (as cited above), has granted the concession of bail.

Besides, learned State counsel also does not dispute that the pace of trial is very slow, as only 2 witnesses out of the total 22 prosecution witnesses, have been examined till now.

7. After hearing learned counsel for the parties, considering the submissions recorded here-in-above, and examining the record available on the case file, I do find that it is a fit case for granting concession of regular bail to the petitioner.

8. Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the



case on the basis of evidence available on record.

11. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 09, 2025
J.Ram

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