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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56898-2024
Decided on : 27.02.2025

Dinesh Bansal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Preetinder S. Ahluwalia, Advocate and
Ms. Bhavi Kapur, Advocate
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Dinesh Bansal	325	30.06.2024	188, 420, 120-B IPC (467, 468, 471 of IPC added later on)	City Barnala	Barnala

2. The allegation against the petitioner is that he is the owner of the premises where, on 30.06.2024, ASI Ranjit Singh, along with a police party and Smt. Navjot Kaur, Zonal Licensing Authority, Sangrur Zone, and her team, conducted a raid at M/s Aljan Pharmaceutical Pvt. Ltd., located at Naiwala Road, Barnala. During the raid, some objectionable medicines were found loaded in a Mahindra Pick-up, along with other raw material inside the factory. The recovered material was intended for manufacturing the drug



Pragabalin-300 mg capsules, a prohibited substance that cannot be manufactured without a valid license and permission.

Furthermore, it is alleged that a total of 95,060 Pragabalin-300 mg capsules, along with other materials, were recovered from the Mahindra vehicle and the factory premises. The assessed value of the recovered medicines is Rs. 1.16 crores.

It is also submitted that, as of now, the recovered drug material does not fall within the ambit of the NDPS Act. Therefore, the petitioner could only be prosecuted under the Drugs and Cosmetics Act, 1940. Consequently, the present FIR has been challenged before this Court on the grounds of improper invocation of IPC provisions.

3. Learned counsel for the petitioner further submits that petitioner is inside jail since 30.06.2024. After completion of investigation, challan was submitted on 26.09.2024. However, charges are yet to be framed, and culmination of trial would likely to take a considerable time, and thus, liberty of the petitioner cannot be curtailed for an indefinite period.

Additionally, it is pointed out that there are seven other accused in this case, out of them, four, namely; Jitender Kumar, Nisha Rani, Vidit Aggarwal, and Sanjay Kumar Singh, have been granted anticipatory bail by the Coordinate Bench of this Court, vide a common order dated 18.11.2024.

A photocopy of the order dated 18.11.2024, produced by the petitioner's counsel in Court, is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

Regarding the remaining three accused, Sukhraj Singh and Lovkush Yadav have been granted regular bail by the trial Court (bail orders



are appended as Annexures P-8 & P-9, respectively), while the last accused, Shishu Pal, has been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 07.11.2024 (Annexure P-10).

4. On the other hand, learned State counsel while vehemently opposing the submissions made by learned counsel for the petitioner, submits that the petitioner had committed the serious offence and because of persons like petitioner, youth in the State of Punjab is completely misled. The offences are, in fact, to be considered as crime against society in general, and therefore, without considering the plea of bail, on technical aspect that the case is triable by the Court of Magistrate, such a request requires to be declined.

5. Heard.

6. After going through the present petition and the material appended with it, and the bail orders passed *qua* the other accused persons, and also by noticing the fact that completion of trial would take considerable time, I deem it appropriate to consider the plea of regular bail of the petitioner. Undoubtedly, no one should be kept behind bars for indefinite period without proving of the guilt, with which, he/she is charged with.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, 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.

8. Needless to observe that the petitioner shall not extend any



threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2025
J.Ram

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