

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

CRM-M-2170 of 2018.

Decided on:- October 30, 2018.

Kulwinder Singh @ Laddi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vinod K. Kataria, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.93 dated 09.05.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

As per the FIR, the petitioner was found in possession of 17 injections of Avil of 10 ML. each and 17 injections of Rexogesic 2 ML. each.

Learned counsel for the petitioner states that the petitioner is in custody since 10.05.2017 and as against the 8 witnesses cited by the prosecution, only 2 witnesses have been examined by the prosecution so far. There is no other case pending against the petitioner.

On the other hand, learned State counsel has filed custody certificate, which is taken on record. He has argued that the recovered quantity is a commercial quantity. He has not disputed the custody and the fact that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Vide order dated 12.01.2018 passed by this Court in *CRM-M-250 of 2018* titled as *Amandeep Versus State of Punjab*, the petitioner in that case was admitted on bail for having been found in possession of 25 vials of Buprenorphine IP injections 2 ML. each and 25 vials of injections of Avil 10 ML. each. Similarly, in *CRM-M-30008 of 2017* titled as *Sonu Versus State of Punjab*, the accused was found in possession of 24 injections of Avillomc and 24 injections of Rexogesic containing 2 ML. each and this Court while taking into consideration the Division Bench judgment in *Saleem Mohd. Versus State of Punjab 2015(5) Law Herald 3939*, has admitted the accused on bail.

Thus, considering the aforementioned judgments and noticing the fact that the petitioner is in custody since 10.05.2017 and the trial in the case will take sufficient long time as against the 8 witnesses cited by the prosecution, only 2 witnesses have been examined so far, the present petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found indulged in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

October 30, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No