

S.No.207

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

CRM-M-31233 of 2018 (O&M)

Date of Decision:08.10.2018

Harpreet Singh @ Denny

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.257 dated 27.11.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Division No.1, District Jalandhar.

Counsel for the petitioner contends that the alleged recovery from the petitioner is of 20 injections of Buprenorphine Hydrochloride, containing 2 ml solution each and 20 injections of Avil. It is further contended that the substance involved in the injections of Avil has not been declared as a narcotic substance, therefore, recovery of these injections is irrelevant for the purpose of the present case. So far as the injections of Buprenorphine Hydrochloride are concerned, counsel submits that the actual content of Buprenorphine Hydrochloride found in these injections is less than even the small quantity. Counsel has relied upon a judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his argument. It is further contended that the petitioner is in custody since 26.02.2018 in this case.

The trial is yet to start. The petitioner is not required for any investigation purposes.

On the other hand, counsel for the State, being instructed by ASI Gurdev Singh, submits that the recovery from the petitioner is more than 20 grams, which is prohibited for this substance. Although the counsel for the State has not disputed the fact regarding the custody of the petitioner or the fact that the trial has not started so far, however, the counsel has submitted that there are two other cases against the petitioner.

In response to the above submissions of the State Counsel, learned counsel for the petitioner has submitted that the petitioner is already on bail in those cases except the present one.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 08, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No