

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37060 of 2018

Date of Decision: 14.12.2018

Manpreet Singh @ Mani

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.36 dated 15.03.2018 under Section 22 of the NDPS Act registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the alleged recovery effected from the possession of the petitioner is 12 injections of Bupernorphine, each injection being of 2 ml and thus, the alleged recovery is marginally higher than the non-commercial quantity. The petitioner is in custody since 15.03.2018. Though there is another case registered against the petitioner under the NDPS Act wherein the alleged recovery effected from him was 6 injections, but he is on bail in that case.

Learned State counsel, on instructions from HC Harpreet Singh, submits that no doubt the petitioner is on bail in another case i.e. FIR No.87 dated 06.07.2017 under the NDPS Act, but since he has committed another offence under the NDPS Act, he does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

The alleged recovery effected from the petitioner is 12 injections of Bupernorphine of 2 ML each, the total quantity being 24 ML, which is marginally higher than the non-commercial quantity. Considering the fact that the petitioner is in custody since 15.03.2018 and trial in the case will take sufficiently long time, as only 2 out of total 7 prosecution witness have been examined so far and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the petitioner shall file an affidavit to the effect that he shall not indulge in such activities in future. In case the petitioner is found indulged in any case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

December 14, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No