

S.No.216

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

CRM-M-42918 of 2018 (O&M)

Date of Decision:03.10.2018

Harinder SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG,
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.25 dated 14.02.2018 registered under Section 22 of NDPS Act, 1985 at Police Station City Nawanshahr, District SBS Nagar.

Counsel for the petitioner contends that the alleged recovery in this case is of 15 injections containing buprenorphine hydrochloride. However, the actual quantity of the prohibited substance in these injections is less than even the small quantity. Counsel has relied upon the judgment passed by this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018 to support his contention. It is further contended that there is no other case against the petitioner. The petitioner is in custody since 14.02.2018. The challan has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel being instructed by ASI Jaswinder Singh, submits that the recovery from the petitioner is of 15 injections containing 2 ml each. Therefore, the recovery from the petitioner

is of commercial quantity. However, the custody of the petitioner has not been denied by counsel for the State. Still further, it is not denied that there is no other case against the petitioner.

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 03, 2018	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No