

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45172-2018(O&M)

Date of decision:22.10.2018

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Dharminder Singh Randhawa, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.20 dated 11.03.2018 under Section 22 of NDPS Act No.61 of 1985, registered at Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that even as per case of the police, the recovery effected from the petitioner is 12 injections of OMGESIC (Buprenorphine hydrochloride) and 12 bottles of Avil (Pheniramine Maleate). Counsel for the petitioner further submits that even as per case of the prosecution, the actual quantity of the prohibited substance, in both the recoveries, is less than commercial quantity. Counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to contend that it is only the quantity of prohibited substance which can be taken into consideration and not the entire recovered mixture/material. It is further contended that the petitioner is in custody since 07.03.2018 and there is no other case against the petitioner.

The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Amarjeet Singh, submits that recovery from the petitioner is of commercial quantity, taking the entire material recovered from the petitioner as such. It is further contended that charges in this case have already been framed and witnesses have been examined. Learned State counsel does not dispute the fact regarding the custody of the petitioner or the fact that there is no case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

22.10.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No