

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51149-2018 (O&M)

Date of decision:28.11.2018

Vinod Kumar @ Karan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Parneet Singh Baidwan, Advocate
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in FIR No.108 dated 31.05.2018 for the offences punishable under Section 21 of NDPS Act and Section 29 of NDPS Act added later on, registered at Police Station Sohana, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. His name is cropped up on the basis of the alleged disclosure statement made by the co-accused. Although, the police alleges having recovered 27 injections of *Buprenorphine Hydrochloride* from the petitioner, however, even if the same is taken to be correct, the total quantity of the prohibited substance in all these injections comes only to be non-commercial quantity. Learned 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 support his contention. Still further, it is contended that there is no other case against the petitioner. Challan in the case has already been filed and charges have been framed. No evidence has been led by the prosecution so far. The petitioner is in

petitioner is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Paramjit Singh, submits that the name of the petitioner has duly cropped during the investigation. Thereafter, the huge quantity of 27 injections containing prohibited substance have been recovered from the petitioner. Therefore, the petitioner does not deserve the concession of bail. However, counsel for the State has not been able to dispute that the quantity of the prohibited substance found in the entire recovery is less than commercial quantity. It is also not disputed that there is no other case against the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

28.11.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No