

Sr. No.215

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

**CRM-M-51734-2018
Date of decision:30.11.2018**

Jagmohan @ Mona

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Manmeet Singh Behl, 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 Sections 21/29 and later on added Section 29 of N.D.P.S. Act, 1985 registered at Police Station Sohana, District Mohali.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is of 25 injections containing prohibited substance namely, 2ml each of Buprenorphine and 25 injections of Pheniramine Maleate(Avil) 10 ml. It is further contended that even as per the case of the prosecution the total quantity of prohibited substances is much less than the prescribed quantity for this substance. In support of his contention learned counsel for the petitioner has relied on the judgment of this Court rendered in ***CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab*** decided on ***21.08.2018***. It is further contended by learned counsel for the petitioner that the petitioner is in custody since 02.06.2018. Challan

has already been filed. Therefore, petitioner is no more required for any further investigation. There is no other case against the petitioner.

On the other hand learned State counsel, being instructed by ASI Balbir Singh, submits that there is heavy recovery of 25 injections of Buprenorphine and 25 injections of Pheniramine Maleate(Avil). However, he does not dispute the fact that quantity of prohibited substance only is less than commercial quantity and that there is no other case against the petitioner and challan has already been filed.

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 furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

30th November, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*