

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-53823-2018

Date of Decision:11.12.2018

Parneet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. RHS Sidhu, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.56 dated 29.07.2018 under Section 22 of the NDPS Act, 1985, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

As per FIR on 29.07.2018, when the police-party was on patrolling duty, 11 intoxicating injections Buprenorphone 1.P .2 ML and 11 bottles of Pheniramin Maleate Injection 1.P Avil 10 ML were recovered from the petitioner and co-accused Ajaib Singh @ Rinku.

Learned counsel for the petitioner states that the petitioner is in custody since 29.07.2018 and there is no other case against him. The recovered contraband is marginally higher than the non-commercial quantity i.e. 22 ML. The total quantity of 11 intoxicating injections

Buprenorphone comes to 22 ML. So far as 11 bottles of Pheniramin

Maleate Injection 1.P Avil are concerned, they do not fall under the NDPS Act.

Learned State Counsel does not dispute the custody period and the quantity so recovered. However, he has argued that since the recovered contraband falls under the commercial quantity, petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 29.07.2018, trial in the case may take long time, coupled with the fact that the culpability of the petitioner is yet to be established during the course of trial and recovered contraband is marginally higher than the non-commercial quantity, I deem it appropriate to admit him on regular bail.

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

It is made clear that the petitioner shall file an affidavit that in case he is found indulged in any such cases like the present one, the prosecution would be at liberty to seek cancellation of his bail.

December 11, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No