

Sr. No.216

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

CRM-M-2688-2019

Date of decision:25.01.2019

Amandeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. S.S.Cheema, AAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.0174 dated 24.10.2018 for the offences punishable under Sections 22 NDPS Act at Police Station City Nawanshahr, District SBS Nagar.

Learned counsel for the petitioner contends that the case of the petitioner is concocted. Petitioner is not involved in the crime as alleged in the FIR. It is further submitted that even if the allegations leveled by the Police are taken to be correct, then also, the recovery from the petitioner is only 40 injections of Buprenorphine, containing the prohibited substance Buprenorphine Hydrochloride. However, in the entire recovery, the quantity of prohibited substance; as per the FSL analysis; is only 0.26mg/ml. Hence the total quantity of the prohibited substance in the entire recovery is less than the commercial quantity prescribed for the substance. In support of her contention learned counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080-**

2018; Rajvir Singh @ Raju vs. State of Punjab;2018(4)RCR(Crl)375. It is further contended by learned counsel for the petitioner that the petitioner is not involved in any other case. In the present case, the investigation is already complete. Therefore, no purpose would be served by keeping the petitioner in custody.

On the other hand learned State counsel, being instructed by ASI Gurmej Lal, submits that the recovery from the petitioner is very heavy, which is 40 injections of Buprenorphine; containing the prohibited substance. However, it is not disputed by the State counsel that the actual quantity of prohibited substance in the entire recovery is less than the commercial quantity. It is also not disputed that there is no case against the petitioner.

In view of the above, but 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 concerned Trial Court/Duty Magistrate.

25th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*