

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

**Criminal Misc. No. M-4538 of 2019
Date of decision: 13.03.2019**

Kamaljeet Singh @ Kamal

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.37 dated 06.06.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badali Ala Singh, Punjab. Earlier petition was dismissed as withdrawn on 27.11.2018.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, recovery of 12 injections of Avil each content of 10 ml and 12 injections of Buprenorphine injections each content of 2 ml was effected from the petitioner. Learned counsel has also relied upon orders passed by this Court in CRM-M No.1400 of 2018 titled as Kuldeep Singh vs. Union Territory, Chandigarh and CRM-M No.35512 of 2018 titled as Subjash Chand Rana vs. State of Punjab filed under the similar circumstances wherein the recovery was also 12 injections of

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Buprenorphine. No other case under the NDPS Act is pending against the petitioner. Out of total nine prosecution witnesses, two have been examined. The petitioner is in custody since 06.06.2018.

Learned State counsel has not disputed the custody period, the alleged recovery and stage of trial.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering that the petitioner is in custody since 06.06.2018; the alleged recovery is 12 injections of Buprenorphine, which is marginally more than the commercial quantity; moreover, recovery of 12 injections of Avil each content of 10 ml cannot be considered for the purpose of bail as the same does not fall under the purview of the NDPS Act; out of total nine prosecution witnesses, only two have been examined; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Kamaljeet Singh @ Kamal) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

13.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No