

216 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-8268-2019 (O&M)

Date of decision:28.02.2019

Pardeep Singh @ Honey

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Preetinder S. Ahluwalia, Advocate  
for the petitioner.

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

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**RAJBIR SEHRAWAT, J. (ORAL)**

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.64 dated 17.08.2018 under Section 22 of NDPS Act, registered at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of prosecution, the alleged recovery from the petitioner is of 25 injections of *Avil* and 25 injections of *Buprenorphine*. The substance found in the injection of *Avil* is not declared any prohibited substance. So far as the quantity of prohibited substance found in the injection of *Buprenorphine* is concerned, it is submitted by the learned counsel for the petitioner that in the entire recovery, the actual quantity of the prohibited substance found as per the FSL report is only 14.8 mg, which is less than even the small 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. It is

further submitted that although the petitioner was earlier released on interim bail, however, he was arrested again on 03.01.2019. Since then, he is in custody and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State submits that the alleged recovery from the petitioner is of 25 injections of Buprenorphine, which is a non-commercial quantity. However, it is not disputed that the actual quantity of the prohibited substance found in the entire recovery is less than commercial quantity.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)  
JUDGE

28.02.2019  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |