

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

CRM-M-10721-2019 (O&M)

Date of decision:02.05.2019

Ravinder Kumar @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Dinesh Nagar, Advocate
 for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.56 dated 11.07.2018 registered under Section 22 of NDPS Act, at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner submits that the case against the petitioner is totally concocted. However, even as per the case of prosecution, the alleged recovery from the petitioner is of 14 injections of *Buprenorphine* containing the prohibited substance *Buprenorphine Hydrochloride*. However, as per FSL report, the actual quantity of prohibited substance found in the recovery is less than small quantity. Counsel for the petitioner has relied upon **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. It is further contended that challan has already been filed and the evidence of the prosecution is also going on. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Joginder Singh, submits that there is a huge recovery of 14 injections of *Buprenorphine* from the petitioner. However, it is not disputed that as per the FSL report, the actual quantity of prohibited substance found in the entire recovery is less than even the small quantity prescribed for this prohibited substance.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

02.05.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No