

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

219

**CRM-M No. 18638 of 2019
Date of Decision : 8.11.2019**

Pritam Singh

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.P. Dhir, Advocate, for the petitioner

Mr. Harbir Sandhu, 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. 184 dated 29.9.2017, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), at Police Station Kartarpur, District Jalandhar Rural.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution the recovery from the petitioner is of 15 injections of buprenorphine hydrochloride and 15 bottles of avil. However, pheniramine maleate, the compound found in the bottle of avil is not narcotic substance under the NDPS Act. So far as the recovery of 15 injections of buprenorphine hydrochloride is concerned, it is submitted that as per the Forensic Science Laboratory report, the prohibited substance buprenorphine hydrochloride, found in the recovery, is 0.28 mg./ml, which comes out less then even the small quantity prescribed under the NDPS Act. The counsel for the petitioner has

relied upon the judgment of this Court rendered in **CRM-M-35080 of 2018 - [Rajvir Singh @ Raju v. State of Punjab](#)**, decided on 21.08.2018, to support his contention. He has further contended that the petitioner is in custody since 21.8.2018 and trial is already going on. Therefore, the petitioner is not required for any investigation purposes and deserves to be released on bail pending trial.

On the other hand, counsel for the State, being instructed by SI Joginder Singh, submits that the alleged recovery of contraband has been made from the petitioner. It is further contended that there are 3 more cases against the petitioner. However, the counsel has not disputed the Forensic Science Laboratory report qua the material recovered from the petitioner nor he disputed the fact that the petitioner is in custody since 21.8.2018.

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

8.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No