

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

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**CRM NO. M-17808 OF 2019
DECIDED ON : 03.12.2019**

KARAN KUMAR

...Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Pranav Handa, Advocate, for the petitioner.

Mr. K.K. Beniwal, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.246 dated 28.08.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act'), registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner contends that the allegations against the petitioner and two co-accused in the FIR are that 52 vials of Avil and 52 injections of OMGECIE (Bupronorphine) each containing 2ml were recovered. Possession of Avil does not constituted an offence under the NDPS Act. He also contends that although it is alleged that the recovery was effected when the petitioner and two co-accused were travelling in a bus but the particulars of the bus are not mentioned. There is no other independent witness to the recovery. The petitioner is in custody for over 01 year and 03 months. He is 20 years of age at the time of the incident and not involved in any other case under the NDPS Act. He also relied upon the judgments of the Coordinate Benches of this Court in the case of Dalwinder Singh versus State of Punjab, passed in CRM-M-10753- 2019 on 03.05.2019 whereby the petitioner therein, who was in possession of 15 injections of Buprenorphine containing 2 ml each, was granted regular bail

after having put in about a year in custody; in the case of Kamaljeet Singh @ Kamal versus State of Punjab, passed in CRM-M-4538-2019 on 13.03.2019 whereby the petitioner

therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about nine months in custody and in the case of Kuldeep Singh versus Union Territory, Chandigarh, passed in CRM-M-1400-2018 on 19.01.2018 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about three months in custody.

Learned State counsel, upon instructions from ASI Rajinder Pal Singh, contends that 02 out of 09 prosecution witnesses have been examined. He is not involved in any other case.

Heard.

In view of the submissions of learned counsel for the petitioner, the orders of the Coordinate Benches of this Court, the petitioner being in custody for over 01 year and 03 months, not involved in any other case and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

December 03, 2019

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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO