

CRM-M-25183-2019

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

CRM-M-25183-2019

Date of Decision:13.12.2019

Sunil Kumar

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurbir Singh Sandhu, Advocate,
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, APP, U.T. Chandigarh.

HARNARESH SINGH GILL, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.293 dated 16.08.2018, registered at Police Station Sector 34 Chandigarh U.T, under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner contends that in the present case, there is no compliance of provision of NDPS Act, which is mandatory. Moreover, the alleged recovery is of 12 injections of Buprenorphine. The question whether or not such quantity falls within the commercial quantity has been referred by a Coordinate Bench of this Court to the Division Bench for an authoritative pronouncement, in CRM-M-28002-2018 – Anil Kumar @ Nehla Vs. State of Punjab, vide order dated 1.10.2018. Moreover, out of

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13 prosecution witnesses, only two have been examined till now.

Learned State counsel does not dispute the aforesaid factual position.

As per the custody certificate filed by the State counsel, by way of affidavit of Shri Amandeep Singh, CPS, Deputy Superintendent, Model Jail, Chandigarh, the petitioner has, by now, undergone an undertrial period of 1 year, 3 months and 26 days.

The trial of the case would take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

13.12.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No