

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

**CRM-M No. 27464 of 2019 (O & M)
Date of Decision:-11.09.2019**

Amandeep Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Yashpal Thakur, Advocate
for the applicant-petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

CRM-23274-2019

Allowed as prayed for.

CRM-M-27464 of 2019

Petitioner-Amandeep Singh @ Happy has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.146 dated 23.11.2018, under Section 22 of NDPS Act, registered at Police Station Sirhind, Tehsil and District Fatehgarh Sahib.

As per FIR, on 23.11.2018 when the police party had installed a Naka in connection with checking of suspected persons, at T-point Chalheri Dhumi, then from the side of Railway Barrier one boy came, who

was holding a plastic bag in his right hand and on seeing the police party ahead, he turned back and tried to run backward side but fell down and the polythene bag, he was holding, also fell down, which contained 25 injections of Buprenorphine BUPINE 2ml each and 25 vials of Avil, resulting into registration of the present case.

Learned counsel for the petitioner contends that the alleged recovery is rather doubtful in view of the recovery memo and the documents pertaining to the sample of the seal, which were prepared before registration of the FIR and the same contained the FIR number and the particulars thereof. He further submits that the prosecution witness had not disputed this fact during deposition before the Court. According to him the petitioner is in custody since his arrest on 23.11.2018 and his further custody may not be justified in view of the stage of trial. He further submits that the trial is likely to consume considerable time as still five witnesses remain to be examined by the prosecution.

On the other hand, the prayer is opposed by learned State counsel who is assisted by ASI Hans Raj. However, he is unable to show anything to controvert the arguments raised by learned counsel for the petitioner regarding Annexures P-4 and P-5, placed on record through miscellaneous application. Learned State counsel does not dispute this fact that five witnesses are yet to be examined by the prosecution and there is no other case of similar nature against the petitioner.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified,

therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Fatehgarh Sahib.

The petition is allowed.

September 11, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No