

S.No.220

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

CRM-M-27412 of 2019 (O&M)

Date of Decision:05.07.2019

Manjinder Singh @ Sonu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Kirat Singh Sidhu, DAG, 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.52 dated 16.03.2019 registered under Section 22 of NDPS Act at Police Station Sirhind, Tehsil and District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 100 injections of Avil and 100 injections of Buprenorphine. It is further submitted that the substance found in the injections of Avil is not prohibited substance. So far as the recovery of 100 injections of Buprenorphine is concerned, it is contended by the counsel for the petitioner that as per the FSL report, the actual quantity of the prohibited substance Buprenorphine Hydrochloride found in the entire recovery is less than even one gram. Therefore, the same is less than even the small quantity prescribed for prohibited substance.

Learned counsel for the petitioner has relied upon the judgment of this Court in CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab decided on 21.08.2018, to support his contention. It is further submitted that the petitioner is in custody in this case since 16.03.2019 and that there is no other case against the petitioner.

On the other hand, learned State Counsel submits that there has been a heavy recovery from the petitioner. It is also pointed out that there has been another case against the petitioner. Although, he was acquitted in that case. However, it is not disputed that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is less than even the small quantity prescribed for the substance. It is also not disputed that there is no other case pending against the petitioner as of today.

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.

July 05, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No