

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30734 of 2019
Date of Decision: 15.10.2019

Sunil @ Nandu

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravinder Singh Randhawa, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P.UT Chandigarh.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.85 dated 07.04.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station East Sector 26, Chandigarh.

Heard.

As per case of prosecution, 11 injections of '*Buprenorphine*' having the weight mentioned on it as 2 ml. each were recovered. On this basis the recovery of contraband from petitioner was taken as 22 ml. In the report of FSL, there is no mention of determining the weight of liquid in sample sent for analysis.

In these circumstances, it will be a question before the trial Court to determine the weight of contraband material recovered from the petitioner, who was arrested on 07.04.2019 and is in custody since then.

Learned State counsel submits that weight of the liquid in each

injection was taken from the slip pasted on it. However, it was not separately weighed or measured.

After completion of investigation challan against the petitioner has been presented in Court but no witness has been examined so far.

Keeping in view above facts coupled with fact that calculation of quantity of contraband recovered from the petitioner will be a question to be determined by the trial Court and conclusion of trial will take considerably long time, I find merit in this petition and the same is allowed. Petitioner-Sunil @ Nandu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 15, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No