

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

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CRM-M No. 36369 of 2019

Date of decision : 7.12.2019

Jasmeel Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Ms. Amarjit Kaur Khurana, 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. 9 dated 13.3.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), at Police Station Kheri Naudh Singh, Tehsil and District Fatehgarh Sahib.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 14 injections of avil and 14 intoxicant injections containing buprenorphine IP. However, as per the FSL report, avil is not a prohibited substance and actual quantity of buprenorphine found in the other 14 intoxicant injections is 0.23 mg/ml, which is less than the small quantity prescribed for the substance under the NDPS Act. The counsel for the petitioner has relied upon the judgment of this Court rendered 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 contended that the petitioner is in custody since 13.3.2019.

On the other hand, learned counsel for the State, being instructed by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 13.3.2019.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

7.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No