In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-39331-2019 (O & M)
Date of Decision: September 20, 2019

RASHPAL SINGH .....**PETITIONER**

VERSUS

STATE OF PUNJAB ....**RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sayim Bhardwaj, Advocate for
Mr. Harish Goel, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

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ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 96, dated 17.08.2018, under Section 22 of the NDPS Act, registered at Police Station Sirhind, Tehsil and District Fatehgarh Sahib.

Learned counsel for the petitioner contends that allegations against the petitioner are that 13 injections of Buprenorphine each containing 2 ml and 13 bottles of AVIL are allegedly recovered from the petitioner. He further contends that the possession of AVIL does not constitute an offence under the NDPS Act. The petitioner is in custody for over 1 year since his arrest on 17.08.2018 and is not involved in any other case under the NDPS Act. He has also relied upon the judgments of the Coordinate Benches of this Court in the case of **Dalwinder Singh versus State of Punjab,** passed in CRM-M-10753-2019 on 03.05.2019 whereby the petitioner therein, who was in possession of 15 injections of Buprenorphine containing 2 ml each, was granted regular bail

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after having put in about a year in custody; in the case of **Kamaljeet Singh @ Kamal versus State of Punjab,** passed in CRM-M-4538-2019 on 13.03.2019 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about nine months in custody and in the case of **Kuldeep Singh versus Union Territory, Chandigarh,** passed in CRM-M-1400-2018 on 19.01.2018 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about three months in custody.

Learned State counsel upon instructions from ASI Jasbir Singh states that 01 out of 10 prosecution witnesses has been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, the orders of the Coordinate Benches of this Court, the petitioner being in custody for over a year and the conclusion of the trial likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 20, 2019
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No

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