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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42004-2019

Date of decision-24.10.2019

Ankush

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Ankush has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.0034 dated 13.10.2018 registered under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patar, District Jalandhar. The petitioner is in judicial custody since his arrest on 13.10.2018.

On 13.10.2018, when the police party was on patrol duty at Village Chandpur then one person was seen coming from village Parshrampur. On seeing the police, he tried to run away. On suspicion, he was apprehended and after following the procedure, his search was conducted and 17 injection containing buprenorphine and 17 injections of Avil were recovered from petitioner's possession.

Learned counsel for the petitioner contends that the petitioner

has been falsely implicated in the present case. He contends that the charges in the present case were framed on 11.02.2019 and till date not even a single witness has been examined. He further contends that there is no other case against the petitioner.

On the other hand, learned State counsel assisted by ASI Chaman Lal opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. However, it is not disputed that there is no other case against the petitioner much less of the similar nature. Learned State counsel further does not dispute that the 17 injections of Avil do not fall within the ambit of NDPS Act.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as the prosecution is yet to examine its witnesses, therefore, further custody of the petitioner may not be justified. Resultantly, 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

24.10.2019

vanita

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