

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-44720 of 2019
Date of Decision: 11.12.2019**

Gurpreet SinghPetitioner

VERSUS

State of PunjabRespondent

2. CRM-M-47922 of 2019

Rajvir SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioner in CRM-M-44720-2019.

Mr. Inderjeet Singh, Advocate
for Mr. Tejvir Singh Manes, Advocate
for the petitioner in CRM-M-47922-2019.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.197 dated 02.07.2019 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sohana, District SAS Nagar (Mohali).

Heard.

As per case of prosecution, both the petitioners were arrested from the park near Bakkarpur *Chowk* and a plastic envelope lying in front of them was found, which was containing 12 injections of '*Buprenorphine*'

measuring 2 ml. each.

Learned State counsel submits that FSL report has been received and the investigation is still in progress.

Recovery was not effected from possession of any of the petitioners. It is a matter for the investigating officer to find as to who was in conscious possession of the contraband and as to whether contents of injections recovered from petitioners make out it a case of recovery of commercial quantity of contraband?

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petitions are allowed. Petitioners, Gurpreet Singh and Rajvir Singh in both the petitions, are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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

December 11, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No