

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

CRM-M-48239-2019

Date of Decision: 19.11.2019

Jagtar Singh

.....Petitioner

Versus

U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 369 dated 25.09.2018 under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station, Sector 31, Chandigarh.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Tiwari, Addl. Public Prosecutor, U.T., Chandigarh, present in Court, accepts notice on behalf of the respondents.

Learned counsel for the petitioner contends that in the present case there is no compliance of Section 50 of the Act, which is mandatory. Moreover, the alleged recovery is of 25 injections of Buprenorphine. The question whether or not such quantity falls within the commercial quantity has been referred by a Coordinate Bench of this Court to the Division Bench for an

authoritative pronouncement, in CRM-M-28002-2018 – Anil Kumar @ Nehla Vs. State of Punjab, vide order dated 1.10.2018.

Learned State counsel does not dispute the aforesaid factual position.

As per the custody certificate filed by the learned State counsel by way of affidavit of Shri Amandeep Singh, CPS, Deputy Superintendent, Model Jail, Chandigarh, the petitioner has, by now, undergone an undertrial period of 1 year, 1 month and 24 days.

In view of the above, without commenting upon the merits of the case, the petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Allowed in the above terms.

(Harnaresh Singh Gill)
Judge

19.11.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No