

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3678 of 2019
Date of decision:25.02.2020

Gursharanjit Singh

... Petitioner

Vs.

State of U.T.Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Charanpreet Singh, Advocate for
Mr. Vikas Sharma, Advocate
for the petitioner.

Mr. Manish Jain, APP for U.T.Chandigarh.

SUVIR SEHGAL, J. (Oral)

The petitioner is seeking regular bail in FIR No.0134 dated 05.06.2018 under [Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985](#) registered at Police Station Maloya, U.T.Chandigarh. The allegation against the petitioner is that 13 injections of Buprenorphine 2 ml and 13 injections of Pheniramine Maleate 10 ml each were alleged to have been recovered from the possession of accused.

Learned counsel for the petitioner has placed reliance upon the license dated 26.04.2018 (Annexure P-2) issued under the Drugs and Cosmetics Act, 1940 in the name of M/s Mann Medicos, which is a partnership firm and mentions the name of petitioner as one of the partners. He, accordingly, contends that he was duly licensed to stock the drugs in

question. He further submitted that the case registered against the petitioner is false as he was never apprehended at the spot and he has already filed the Criminal Revision No.1512 of 2019 wherein this Court had passed the following order on 02.07.2019:-

“Learned counsel for the petitioner submits that he presses this petition only for call details of Kulwinder Singh, who was allegedly in the police party to show that his location was not with the police party, rather, he was elsewhere. Though he has not been cited as prosecution witness, still this fact is material to discard the version of prosecution and the trial Court has not looked into this aspect.

Notice of motion to this extent only for 02.09.2019.”

According to the counsel, the petitioner is in custody since 05.06.2018. He has referred to Division Bench judgment of this Court in **Saleem Mohd. Vs. State of Punjab 2015(25) R.C.R.(Criminal) 816** wherein reliance has been placed upon the proviso to Rule 66 of [Narcotic Drugs and Psychotropic Substances Rules, 1985](#) to contend that 100 doses of such like psychotropic substances could be retained for personal medical use.

On instructions from SI Ashwani Kaushal, State counsel has submitted that challan was presented on 14.09.2018 and charges were framed on 31.01.2019. According to him, the prosecution evidence has already been closed and the proceedings are pending for defence evidence. He has produced custody certificate dated 24.02.2020 which depicts that

petitioner has undergone 01 year 06 months and 12 days.

Custody certificate is taken on record.

Heard.

Keeping in view the judgment of the Division Bench in **Saleem Mohd.'s case (supra)** and also considering the fact that the petitioner is behind bars for the last more than 01 year, 06 months and 12 days, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(SUVIR SEHGAL)
JUDGE

February 25, 2020

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No