

CRM-M-9066-2020

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

CRM-M-9066-2020 (O & M)

Date of Decision: 07.09.2020

Simranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dinesh Nagar, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

CRM-21675-2020

This is an application under Section 482 read with Section 439
Cr.P.C. for early hearing of the petition, which is fixed for 09.11.2020.

Notice of the application.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG,
Punjab, accepts notice on behalf of the respondent-State, and states that he
has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the
main petition is preponed for today, itself, and taken up on Board for
hearing.

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Custody certificate dated 07.09.2020 by way of affidavit of the

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mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case, bearing FIR No.24 dated 24.03.2019, registered at Police Station Kathgarh, District SBS Nagar, under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

Learned counsel for the petitioner contends that recovery of 146 injections of Leegestic of 2 ml. Containing Buprenorphine Hydrochloride each and 150 vials of Avil containing 10 ml. each, has allegedly been effected in the present case. The contraband of Avil does not fall within the scope of the Act. The question whether or not such a quantity of injections of Buprenorphine, 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, titled as 'Anil Kumar @ Nehla Vs. State of Punjab', vide order dated 01.10.2018. He further contends that the petitioner was allegedly sitting besides driver of car, namely, Sunny Arora, who has since been granted the regular bail by this Court, vide order dated 16.01.2020 passed in CRM-M-28356-2019, and therefore, he prays that the petitioner is also entitled to the bail on the ground of parity.

On the other hand, learned State counsel opposes the prayer made in the present petition.

I have heard the learned counsel for the parties.

As per the custody certificate, the petitioner has, by now, undergone an undertrial period of 01 year, 05 months and 11 days. The trial of the case would take to conclude. Co-accused, namely, Sunny Arora has

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since been released on regular bail. As per the custody certificate, there is no case pending or decided against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No