

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12415-2020

Date of decision: 22.05.2020

Major Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Major Singh has filed the present petition *inter alia* with a prayer to grant him regular bail in case FIR No.86 dated 09.11.2019, registered under Section 22 of Narcotic Drugs and Psychotropic Substance Act at Police Station Behram, District SBS Nagar.

Learned counsel for the petitioner makes various submissions. She firstly submits that reference can be made to the Division Bench judgment in case *Saleem Mohd. vs. State of Punjab 2015(25) 816*. By relying on the above judgment, she submits that the petitioner relies on Rule 66 in the present case, also to contend that even without medical prescription, 100 doses of such like Psychotropic substance could be

retained by him. Secondly, she submits that this Court relying on the judgment in *Ajaib Singh vs. State of Punjab 2012(2) RCR (CR) 330*, has taken a view that salt Buprenorphine hydrochloride does not fall under NDPS Act. Thirdly, she submits, by making reference to Page-11 of the petition, that in fact if a minute calculation is made, the complete recovery would fall less than one gram.

Learned State counsel however submits that he would dispute contention of learned counsel for the petitioner that salt does not fall under NDPS Act. In fact, it falls under Sr. No.169 of Schedule I.

This Court in peculiar facts and circumstances as mentioned above, finds that issue is debatable. The petitioner is in custody since 09.11.2019, charges have been framed and no PWs have been examined till date.

In view of the above and the fact that the trial would take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing **heavy** bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

22.05.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No