

**210-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.13106 of 2020
Date of Decision:30.07.2020**

RAJAN

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sahil Soi, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 345 dated 29.09.2019, registered under Section 22 and 61 of Narcotic Drugs and Psychotropic Substance, 1985 at Police Station Phillaur, District Jalandhar.

The case of the prosecution is that the petitioner was found in illegal possession of 90 injections of Avil and 90 injections of Buprenorphine.

Learned counsel for the petitioner submitted that the petitioner is in custody since 29.09.2019; there is no other criminal case in which he is involved; the challan under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; till date no prosecution witness has been examined and that

the trial which is yet to commence is likely to take a long time to conclude.

Learned State counsel fairly submits that the Avil does not come under the definition of the narcotics but opposes the grant of bail on the ground that 90 injections of Buprenorphine have been recovered from the petitioner's possession.

In view of the fact that the petitioner is in custody since 29.09.2019; there is no other criminal case in which he is involved; the challan under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 30, 2020

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No