

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

**Sr. No.215**

**CRM-M-18979-2020**

**Date of decision: 04.08.2020**

Avtar Singh

...Petitioner

versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Navjot Singh, Advocate  
for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

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**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.234 dated 10.10.2019, registered under Section 22, 61, 85 of the Narcotic Drugs and Psychotropic Substance, 1985 at Police Station Sadar Kharar, District S.A.S. Nagar (Mohali).

The case of the prosecution is that the petitioner was found in illegal possession of 40 bottles of Pheniramane Maleate injection and 60 injections of Buprenorphine.

Learned counsel for the petitioner submitted that the petitioner is in custody since 10.10.2019; 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 witnesses have 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 Pheniramane Maleate does not come under the definition of narcotics but opposes the grant of bail on the ground that 60 injections of Buprenorphine have been recovered from the petitioner's possession.

In view of the fact that the petitioner is in custody since 10.10.2019; 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, S.A.S. Nagar (Mohali), 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.

**(DEEPAK SIBAL)**  
**JUDGE**

**August 04, 2020**  
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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No