

CRM-M-21375-2019

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

**CRM-M-21375-2019 (O & M)
Date of Decision:16 .01.2020**

Manvinder Singh alias Monu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Custody certificate by way of affidavit of Sh. Harpreet Singh, Officiating Deputy Superintendent, New District Jail, Nabha, has been filed in the Court today. The same is taken on record.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.60 dated 18.08.2018, registered at Police Station Badali Ala Singh, Tehsil and District Fatehgarh Sahib, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

Learned counsel for the petitioner contends that in the present case there is no compliance of Section 50 of the Act, which is mandatory. Moreover, the alleged recovery is of 17 injections of Buprenorphine (2 ml each) and 7 injections of Pheniramine Maleate Avil (10 ml each). 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

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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 – Anil Kumar @ Nehla Vs. State of Punjab, vide order dated 1.10.2018.

Learned State counsel, on the other hand, opposes the prayer made in the present petition. However, the learned State counsel, on instructions from ASI Sukhwinder Singh, states that out of 12 prosecution witnesses, two witnesses have been examined. There is one another case registered against the petitioner in which benefit of bail has been granted to him.

As per the custody certificate, the petitioner has, by now, undergone an undertrial period of 01 year, 04 months and 26 days. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, 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.

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Since relief has been given to the petitioner in the main petition, therefore, the present application has become infructuous.

Dismissed as having become infructuous.

16.01.2020

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No

: Yes/No