

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28705-2020

Date of Decision : 23.09.2020

Jaspreet Singh @ Jaggi

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Arti Kaur, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0004 dated 10.01.2019, registered under Sections 21/22 of the NDPS Act, 1985 at Police Station Sadar Banga, District SBS Nagar.
3. Learned counsel contends that 11 injections of Buprenorphine 2 ml. each were recovered from the petitioner on 10.01.2019 and that he is in custody ever since the said date, that 11 injections of Buprenorphine 2 ml each works out to 22 ml., i.e. marginally in excess of the commercial quantity i.e. 20 ml. (i.e. 20 grams), therefore, the petitioner be released on bail as the trial is going to take considerable period of time on account of prevailing Corona Virus Pandemic.

4. Learned counsel for the petitioner relies upon a decision of a Co-ordinate Bench of this Court dated 19.06.2020 in CRM-M-14155 of 2020 in case titled as 'Sukhwinder Kumar versus State of Punjab', in which there was recovery of 85 injections of Buprenorphine, containing 02 ml. each besides recovery of 85 injections of Avil. In said case, the co-ordinate Bench took into account the decision in the case of 'Dalwinder Singh versus State of Punjab' decided on 03.05.2019 in CRM-M-10753 of 2019 in which the petitioner therein, who was in possession of 15 injections of Buprenorphine, containing 02 ml. each, was granted regular bail on account of his having put in about a year in custody, while in the case of 'Kamaljeet Singh @Kamal versus State of Punjab' i.e. CRM-M-4538 of 2019, decided on 13.03.2019, the petitioner therein who was in possession of 12 injections of Buprenorphine, containing 02 ml. each was granted regular bail after having put in about 09 months in custody and in the case of 'Kuldeep Singh versus Union Territory, Chandigarh' i.e. CRM-M-1400 of 2018, decided on 19.01.2018, the petitioner therein who was in possession of 12 injections of Buprenorphine, containing 02 ml. each, was granted regular bail, after having put in about 03 months in custody. The coordinate Bench after relying on the aforementioned decisions granted bail to Sukhwinder Kumar, after taking into account that he was in custody for 01 year 04 months and 17 days and was not involved in any other case under the NDPS Act, as also the prevailing Corona Virus Pandemic and the conclusion of the trial would likely take some time.

5. Per contra, learned State Counsel, on instructions from SI Gurwinder Singh, admits that the petitioner has been in custody since

each workout to 22 ml. i.e. 22 grams only, that commercial quantity of Buprenorphine is 20 ml i.e. 20 gms. Learned counsel contends that the petitioner has been convicted in another case bearing FIR No.12 dated 01.02.2014, registered under Section 21/24 of the NDPS Act and was sentenced to undergo rigorous imprisonment for a period of 14 months of imprisonment, which he has already undergone. Custody certificate filed by the learned State counsel is taken on record.

6. I have considered the submission of learned counsel for the parties.

7. Taking into account the recovery as well as the decision of the co-ordinate benches, besides the fact that the petitioner has been behind bars since 10.01.2019, and out of 11 witnesses, only 6 witnesses have been examined and the trial is likely to take time to conclude on account of prevailing Corona Virus Pandemic, no useful purpose would be served by keeping the petitioner behind bars.

8. Accordingly, without commenting upon the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

(B.S. Walia)
Judge

September 23, 2020

'Amit-Rajesh'

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