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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43016 of 2019
Date of Decision: 27.01.2020

JATINDER SINGH @ BALUA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Lath, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.95 dated 19.07.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chamkaur Sahib, District Rupnagar, Punjab.

As per allegations in the FIR, 10 ampoules of 2 ml each of Leegesic (Buprenorphine injections) are alleged to have been recovered from the petitioner which according to the prosecution found to be 20 ml. The issue with regard to quantity has to be considered in terms of Section 2 (vii-a) of the NDPS Act.

As per Para No. 8 of the order dated 16.09.2019 passed by Judge Special Court, Rupnagar while declining the prayer of regular bail, the Court has observed that the alleged contraband is a non-commercial quantity. As per FSL Report, Burenorphine as per average quantity of

ingredients is found to be 0.29 mg per ml.

Learned counsel for the petitioner submits that 1 gm of Burenorphine is equivalent to 333.33 ml when it is in a liquid form. The nature of contraband in terms of quantity has to be seen from the calculations to be carried out on the basis of the aforesaid data.

In view of aforesaid, Mr. Ramandeep Sandhu, Senior DAG, Punjab with reference to FSL Report contends that the density of the recovered contraband has to be taken up 1 gm per ml.

In my opinion, the issue is debatable which would be subject to the nature of evidence to be led by the prosecution during trial. The Additional Sessions Judge has already observed that the contraband is a non-commercial quantity.

Learned State counsel on instructions from ASI Dharam Pal states that challan has already been presented and out of 13 prosecution witnesses, only 3 witnesses have been examined so far.

In view of above, without meaning anything on merits of the case, petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

27.01.2020

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No