

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

211

CRM-M-51892-2019

Date of Decision: 03.02.2020.

Pankaj Singh

....Petitioner.

Versus

U.T. Chandigarh

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Mandeep Sindhu, Advocate for
Mr. Anil Kumar Lamdharia, APP, U.T., Chandigarh.

Suvir Sehgal, J. (Oral)

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.251 dated 30.07.2019 under Section 22 of NDPS Act, registered at Police Station Sector-39, Chandigarh. The petitioner is in custody since his arrest on 30.07.2019.

On 30.07.2019, when the police party had placed a naka near Madrassa on dividing road of Sectors 55-56, Chandigarh one young man carrying black colour bag in his right hand was seen coming from Mohali side. On seeing the police, he turned back and started walking fast. On suspicion, he was apprehended and after following the procedure, his search was conducted and 15 injections of Buprenorphine 2 ml each and 15 injections of Pheniramine Maleate 10 ml each were recovered from his possession.

Learned counsel for the petitioner contends that Buprenorphine falls within the ambit of NDPS Act whereas Pheniramine Maleate is not contained in the Schedule of the said Act. He further contends that there is no other case against the petitioner. It is pointed out that the challan stands

filed and charges have been framed. It is prayed that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Jaswinder Singh opposed the bail application. He has filed the custody certificate dated 02.02.2020, which is taken on record. Custody certificate shows that petitioner has undergone 06 months and 06 days of custody. However, it is not disputed that only 15 injections of Buprenorphine fall within the provisions of NDPS Act. It is also not disputed that there is no other case against the petitioner. He has further submitted that challan was filed on 30.09.2019 and charges have been framed on 08.11.2019 and that 2 out of 13 prosecution witnesses have been examined.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, further custody may not be justified. Therefore, without expressing any opinion on the merits of the case, it is ordered that the petitioner released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

(SUVIR SEHGAL)
JUDGE

03.02.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No