

In the High Court of Punjab and Haryana at Chandigarh
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CRM-M-1229-2021(O & M)
Date of Decision: October 14, 2021

KARTIK KUMAR

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.K. L. Saini, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.320 dated 05.12.2019, under Section 22 of the NDPS Act, registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner contends that 10 Ampoules of 2 ml each (Buprenorphine injections) and 05 Ampoules of 2 ml each (Avil injections) were allegedly recovered from the petitioner and co-accused. Avil is not covered under the NDPS Act. Recovery of buprenorphine is on the margin of the commercial quantity. He also contends that if the recovery is divided into two persons, it would fall under the non-commercial quantity. The petitioner was also involved in another case under the NDPS Act in the year 2012 wherein 20 grams of smack (non-commercial quantity) was allegedly recovered from him and he was convicted and sentenced for a period of 06 weeks in the year 2014. The petitioner is in custody in the instant case for about 01 year and 10 months.

Learned State counsel has filed the custody certificate which indicates that the petitioner is in custody for 01 year, 10 months and 06 days. He upon instructions from ASI Balbir Singh states that charges have been framed but no prosecution witness has been examined. While referring to the reply, he contends that the petitioner is also involved in several other cases including one case under the NDPS Act.

Heard.

The recovery of 10 Ampoules of 2 ml each (Buprenorphine injections) which has been effected from the petitioner and co-accused would be a borderline case with regard to the commercial quantity.

In view of the above, especially when the petitioner is in custody for over 01 year and 10 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No