

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

Criminal Misc. No.M-11096-2021(O&M)

Date of Decision: December 20, 2021

Kamal Kumar @ Kamal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Harkirat Singh Bhogal, Advocate
for the petitioner.

Mr.Arun Kaundal, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

CRM-42241-2021:

This is an application for pre-poning the main case, which is fixed for 16.03.2022.

Notice of the application.

Mr.Arun Kaundal, DAG, Punjab accepts notice on behalf of respondent – State of Punjab.

In view of the averments made in the application, the same is allowed. The main case is taken up on Board today itself.

Main Case :

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.8 dated 24.01.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station

Doraha, District Khanna.

The allegations against the petitioner are that on 24.01.2019, he along with two others, was intercepted by the Police. 30 Injections containing 'Buprenorphine' (2 ml each) and 30 Injections containing 'Avil' (10 ml each), were recovered from the petitioner.

Ld. counsel for the petitioner states that the petitioner has been in custody since 24.01.2019 i.e. about 2 Years 11 Months. He is not involved in any other case under the NDPS Act. He has relied upon the judgments of the Coordinate Benches of this Court in the case of **Dalwinder Singh versus State of Punjab (CRM-M-10753-2019)** decided on 03.05.2019 whereby the petitioner therein, who was in possession of 15 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about a year in custody; in the case of **Kamaljeet Singh @ Kamal versus State of Punjab (CRM-M-4538-2019)** decided on 13.03.2019, whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about nine months in custody and in the case of **Kuldeep Singh versus Union Territory, Chandigarh (CRM-M-1400-2018)** decided on 19.01.2018 whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about three months in custody. He further stated that in **Sukhwinder Kumar vs. State of Punjab (CRM-M-14155-2020)** decided on 19.06.2020, wherein, allegedly 85 injections of Avil and 85 injections of Buprenorphine each containing 2 ml. were

recovered from the petitioner therein, was granted bail after a custody of 01 year, 04 months and 17 days. Learned State counsel has placed on record the custody certificate, according to which the petitioner has been custody for the last 2 Years 7 Months and 10 days.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

All Misc. Application/s also stand disposed of.

December 20, 2021

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No