

In virtual Court

CRM-M-18019-2021

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

CRM-M-18019-2021 (O&M)

Date of decision: 19.05.2021

Harminder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.17 dated 04.03.2020 under Section 22 of NDPS Act, registered at Police Station Sadar Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended the petitioner on suspicion, as he was holding a plastic bag and became perplexed on seeing the police party. Upon this, an information was sent to the police station and thereafter, search was conducted and 20 injections of Buprenorphine each measuring 02 ml and 20 injections of Avil each measuring 10 ml were recovered. It is further submitted that Avil is not a prohibited drug and recovery of 20 injections of Buprenorphine each measuring 02 ml was allegedly effected from the

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petitioner. It is also submitted that it will be a matter of trial whether the police has followed the proper procedure while effecting the recovery. Learned counsel further submits that the petitioner is in custody for the last about 01 year and 02 months; he is not involved in any other case and trial is not proceeding due to COVID-19 situation.

Learned State counsel has filed the custody certificate dated 19.05.2021 in the Court today and has submitted that charges have been framed on 03.03.2021 and now the case is fixed for recording the prosecution evidence.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that due to restricted working of the trial Court, it may not be possible to record the prosecution evidence and also in view of the fact that the petitioner is in custody for the last about 01 year and 02 months and is not involved in any other case, this petition is disposed of and the petitioner is directed to be released on interim bail till 11.10.2021 subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.

[ARVIND SINGH SANGWAN]
JUDGE

19.05.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No