

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

CRM-M No.30088 of 2021 (O&M)

Date of Decision: 16.09.2021

Gurpreet Singh @ Shanty

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sumeet Pal Singh Khaira, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

Deepak Sibal, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.37 dated 25.03.2021 registered under Sections 22C, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bassi Pathana, District Fatehgarh Sahib, Punjab.

The petitioner is being prosecuted for having been found in illegal possession of 13 injections containing Buprenorphine Hydrochloride.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; he is in custody since 25.03.2021; he has no criminal antecedents; investigation in this case is complete as the report under Section 173 Cr.P.C. has been filed before the Trial Court; the alleged recovery of 26 ml of Buprenorphine Hydrochloride from the petitioner is marginally higher than the prescribed commercial quantity of 20 ml and that the petitioner's trial, which is yet to commence

and in which 12 prosecution witnesses are to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 26 ml of Buprenorphine Hydrochloride and if released on bail, he may indulge in similar offences.

The petitioner has already been in custody since 25.03.2021; he is not involved in any other criminal case; investigation in this case is complete and that the petitioner's trial, which is yet to begin and in which 12 prosecution witnesses have been cited, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/ Duty Magistrate, Fatehgarh Sahib, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16th September, 2021

Sonia Puri

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No