

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-34168-2021 (O & M)
Date of Decision: November 23, 2021

SATISH KUMAR @ DC

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ashish Nagar, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.17 dated 06.02.2021, under Section 22 of the NDPS Act, registered at Police Station City Balachaur, District SBS Nagar.

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the petitioner is 10 injections of 2 ml each containing Buprenorphine Hydrochloride. He also contends that it is below the commercial quantity as more than 20 grams would be the commercial quantity. The other recovery which has been effected is of 10 injections of 10 ml each containing Avil which is not covered under the NDPS Act. He also contends that it is alleged that the petitioner had taken out the polythene packet from his pant and thrown it against the wall of the school. It would be debatable as to whether the petitioner was in conscious possession of the recovered substance. The petitioner is HIV positive and is not involved in any other case under the NDPS Act. He is in custody for over 09 months. He

has relied upon the judgments of the Coordinate Benches of this Court in the cases of Karamvir Singh @ Kaku vs. State of Punjab passed in CRM-M-18517-2021 on 19.05.2021; Balwinder Singh vs. State of Punjab passed in CRM-M-16150-2021 on 19.07.2021 and Balvir Kumar @ Bira vs. State of Punjab passed in CRM-M-38678-2021 on 21.09.2021.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 09 months and 13 days. He upon instructions from ASI Pushpinder Kumar states that although the challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above when the petitioner is in custody for over 09 months, he is not involved in any other case under the NDPS Act, 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

November 23, 2021
A.Kaundal

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