

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

**CRM-M No. 5382 of 2021 (O&M)
Date of Decision: 14.12.2022**

Amarjeet Singh @ Sunny

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. D.K. Singal, Additional Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 38, dated 15.03.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”), registered at Police Station Lalru, SAS Nagar (Mohali).

2. Allegations are that petitioner-accused was found in possession of 125 injections of LEEGESIC, weighing 2 ml., which contains 0.28 mg./ml. of Buprenorphine. Apart from that, he was also found in possession of 125 vials of Avil containing salt Pheniramine Maleate, which does not fall under the Act.

3. This Court, on 02.09.2021, granted interim bail to the petitioner in following manner:-

“Contends that petitioner is in custody since 15.03.2019 and there is no progress in the trial. Also submits that co-accused (Baljeet Singh @ Beeta) has already been granted the concession of interim bail vide order dated 11.11.2020

passed in CRM M-22603-2020.

Learned State counsel seeks time to verify the above factual position.

Posted on 17.11.2021.

In view of the above, let petitioner be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”

4. Learned counsel for the petitioner submits that during his search, no offer was given by the seizing officer; thus there is non-compliance of mandatory provision of Section 50 of “the Act”. He further submits that after grant of interim bail, petitioner has been regularly appearing before the Court below and there is no misuse of concession by him. Again contended that petitioner is not involved in any other NDPS case, except present FIR. Lastly contended that there is no apprehension or allegation that in case, petitioner is granted bail, he is likely to threat the prosecution witnesses or hamper the trial in any manner.

5. Learned State Counsel, upon instructions from ASI Jaspal Singh, does not dispute the above contentions, rather submits that trial is pending for 04.01.2023.

6. In view of the above, sending the petitioner in custody at this stage will not serve any purpose. Moreover, in the opinion of this Court, non-compliance of Section 50 is also a sufficient ground to record the satisfaction in terms of Section 37 of “the Act” for the purpose of granting bail pending trial to petitioner.

7. Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 02.09.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
9. The above observations may not be construed as an expression of opinion on the merits of the case in any manner.
10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

December 14, 2022
'dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>