

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

105+214

CRM-M-48319-2021(O&M)
Date of Decision: 04.02.2022

Devinder Kumar @ Toti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No. 01 dated 04.01.2021, under Section 22 C of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 473 IPC, registered at Police Station Sirhind, District Fatehgarh Sahib.

As per the allegations in the FIR 25 injections of Leegestic containing Buprenorphine and 25 injections of Avil were recovered from the possession of the petitioner. Admittedly, Avil is not a psychotropic substance. Learned counsel for the petitioner states that the petitioner is the first offender. He is in custody since 04.01.2021. He also submits that out of total 15 witnesses only three have been examined till date and there is no other case pending against the petitioner under the provisions of NDPS Act.

Considering the aforesaid facts and circumstances and

the fact that the trial is unlikely to conclude in near future more so in the wake of outbreak of pandemic COVID, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Devinder Kumar @ Toti be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

However, it is made clear in case any FIR is registered against the petitioner under the NDPS Act, the respondent-State would be at liberty to move an applications to have the bail of the petitioner cancelled.

[HARINDER SINGH SIDHU]
JUDGE

February 04, 2022

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Whether speaking/reasoned
Whether reportable?

yes/no
yes/no