

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

(Heard through VC)

CRM-M-52486 of 2021 (O&M)

Date of Decision: February 01, 2022

Jabarvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. R.B.S. Mann, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.161 dated 29.10.2021, under Section 22 of NDPS Act, registered at Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 29.10.2021. It is submitted that the petitioner has been falsely implicated in the present case. It is contended that the petitioner herein was allegedly found in possession

of 13 injections of Buprenorphine and it is a debatable issue whether Buprenorphine is a psychotropic substance. He would argue that the said issue is pending consideration before the Division Bench of this Court in *CRM-M-28002-2018* titled as *Anil Kumar @ Nehla vs. State of Punjab*, which is now listed for 04.07.2022. It is also argued that the weight of 2 ml injection cannot be equated with 2 gms of a substance. In support of his arguments, counsel for the petitioner relies upon order dated 09.02.2021 passed by this court in case titled as *Amandeep Singh @ Aman vs. State of Punjab*, *CRM-M-5216-2021* and judgment rendered in *Krishan Ghai vs. State of Punjab*, *CRM-M-18989 of 2020*, decided on 08.09.2020.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, is not in a position to dispute the fact that the Division Bench of this Court is seized of the matter whether Buprenorphine would be counted as a psychotropic substance.

I have heard learned counsel for the parties and keeping in view the fact that the issue involved in the instant case is already pending before the Division Bench of this Court, this Court deem it appropriate to allow the interim bail to the petitioner till the matter is finally decided by the Division Bench of this Court. As such, at this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate, till the decision of the Division Bench in *CRM-M-28002-2018* titled as *Anil Kumar @ Nehla vs. State of Punjab*.

However, it will be open for the prosecution to apply for cancellation of interim bail, if the petitioner is found misusing the concession of bail, in any manner whatsoever.

February 01, 2022
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No