

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

201

CRM-M-12090-2022 (O&M)

Date of decision: 06.02.2023

Davinder Singh @ Devinder Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Samuel Gill, Advocate and
Mr. Samrit Gill, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 69 dated 17.08.2019 registered under Section 22 of the NDPS Act, at Police Station City Kurali, District SAS Nagar (Mohali). The earlier petition was dismissed as withdrawn on 07.09.2021.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 17.08.2019; that as far as other two cases under the NDPS Act is concerned, the petitioner is on bail in one case, wherein only 07 injections of Buprenorphine were recovered from him and in another case he has been acquitted vide order dated 08.06.2017 passed by the learned trial Court; that the recovered contraband was sent for examination to FSL and as per the report 22.60 mg/ml of Buprenorphine Hydrochloride is confirmed and thus prays for bail and that out of 13 prosecution witnesses, only 04 have been examined so far.

Learned State counsel, while vehemently opposing the prayer for

bail, submits that the petitioner is a habitual offender. The recovery effected from the petitioner, falls under the commercial quantity and that the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, she does not dispute the custody period of the petitioner. She submits that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.08.2019. The recovery has already been effected. Out of two cases under the NDPS Act, the petitioner stands acquitted in one case and in another case he is on bail as only 07 injections of Buprenorphine were recovered from him in that case. Some of the prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

06.02.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No