

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-2570-2024

Date of Decision: 13.05.2024

GURPREET SINGH ALIAS GAGGU

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amandeep Saini, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.74 dated 04.06.2023, under Section 22 of NDPS Act (Section 27/29/21 of NDPS Act and Section 411 IPC added later on), registered at Police Station Anandpur Sahib, District Rupnagar.

2. As per the prosecution allegations, petitioner and co-accused Ajmer Singh @ Soni were apprehended by the police party on 04.06.2023 and from a transparent polythene kept in dickey of the scooty; 15 injections of 2 ml each of buprenorphine i.e. 30 ml were found from their possession.

3. Learned counsel for the petitioner contends that petitioner himself is using the aforesaid injections of buprenorphine for medication purposes and that as per Rule 66 of NDPS Rule, a person can keep 100 doses of buprenorphine without prescription for the purpose of medical use. It is also contended that dope test of the petitioner was found to be positive.

4. Learned counsel for the petitioner also contends that similarly placed co-accused Ajmer Singh @ Soni has already been allowed by a Co-ordinate Bench of this Court vide order 06.12.2023 passed in CRM-M-60346-2023 (Annexure P-4).

5. Status report has already been received.

6. Learned State counsel could not refute the aforesaid contentions. It is conceded that case of the petitioner is on parity with co-accused- Ajmer Singh @ Soni. Apart from above, the custody certificate also reveals that petitioner is in custody for the last more than 11 months and 09 days. Learned State counsel, on instructions from ASI Naseem Khan submits that out of 19 witnesses cited by the prosecution only 02 have been examined and thus trial is likely to take long time to conclude.

7. Having regard to all the aforesaid facts and circumstances, particularly on the basis of parity, but without commenting anything upon the merits of the case, petition is allowed. Petitioners are admitted to regular bail and are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

Allowed.

13.05.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No