

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6927-2024

Date of Decision: 12.3.2024

Harwinder Singh alias Bindu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhinav Singla, Advocate, for the petitioner.
Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.96 dated 5.10.2023 registered for the offences punishable under Sections 22 of NDPS Act at Police Station Garhdiwala, District Hoshiarpur.

2. The allegations in nutshell are that on 5.10.2023, the police effected recovery of 10 injections of Buprenorphine IP 0.3 mg/2ml from the petitioner who was arrested at the spot.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is behind the bars for the last more than 5 months and is having no criminal history and the police is unable to present challan till date. It is further submitted that as per report of FSL, the aforesaid recovery comes under non-commercial quantity and thus, not covered under the stringent provisions of Section 37 of NDPS Act. It is further contended that even after presentation of challan, it will take considerable time for the trial to conclude and no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Present petition is resisted by the State counsel who on instructions from ASI Kuldip Singh submits that no doubt, report of FSL has been received but investigation is still going on and on completion of investigation, the police will present the challan against the petitioner. State counsel has not disputed the fact that as per report of FSL, recovery of 10 Buprenorphine injections comes under non-commercial quantity and copy of report of FSL is taken on record.

5. I have considered the submissions made by the counsel for the parties.

6. As has been admitted by the State counsel, present case comes under non-commercial quantity and thus, rigors provided under Section 37 of NDPS Act are not applicable. The petitioner is in custody for the last more than 5 months and till date, the police is unable to file challan and even after filing of the challan, it will take time for the trial to terminate. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period who is having no criminal antecedents.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 12, 2024
Paritosh Kumar

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