



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+208

CRM-28958-2024 in/and
CRM-M-16479-2024

Shahnawaz

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Bajwa, Advocate
for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

CRM-28958-2024:

This is an application under Section 482 Cr.P.C. to place on record copy of statement of PW-2, ASI Onkar Singh dated 16.05.2024 as Annexure P-10.

- 2. Allowed.
- 3. Annexure P-10 is taken on record.

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- 4. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.67 dated 21.04.2022 under Section 22, 29 (61 of 1985) of NDPS Act registered at Police Station Lalru, District S.A.S. Nagar.



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5. Status report by way of an affidavit of Shri Vaibhav Chaudhary, IPS, Assistant Superintendent of Police, Dera Bassi, District S.A.S. Nagar (Mohali) has been filed on behalf of respondent- State.

6. As per prosecution allegations, on 21.04.2022, petitioner was found carrying a plastic bag in his hand and was apprehended by the police party when he was trying to move from the bus, in which he was travelling. 75 injections of Buprenorphine IP Bupine were recovered from the bag.

7. Learned counsel contends that petitioner has been falsely implicated; that he is in custody for the last more than one year & six months; and trial is not proceeding; that petitioner is first offender and so, he be allowed bail.

8. Learned State counsel has opposed the bail petition by submitting that recovered quantity of contraband falls in the commercial category. However, a copy of the FSL report as placed on record by learned State counsel would reveal that sampled injections were containing 0.27 mg per ml. The total weight of the recovered substance is not mentioned.

9. At the same time, it is noticed by this Court that total custody period of the petitioner is 01 year 06 months and 16 days, as per the custody certificate placed on record and he is not involved in any other criminal case. The status report further reveals that out of 15 witnesses cited by the prosecution, only 02 have been examined so far and thus, trial is likely to take long time to conclude.

10. Having regard to the above facts and circumstances, but without



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commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

**(DEEPAK GUPTA)
JUDGE**

July 22, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No