



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

CRM-M-32648-2023
Date of Decision: 16.09.2024

HARWINDER SINGH @ BINDER
....Petitioner

VERSUS

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Thakur, Advocate for the petitioner
 (Through Video Conferencing).

 Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.04 dated 09.01.2022 registered for the offences punishable under Section 22 of NDPS Act at Police Station Maqsudan, District Jalandhar Rural.

2. The allegations in nutshell are that police recovered 07 boxes each containing 10 injections of Leegesic, 2ml each and 75 injections of Avil from the petitioner on 09.01.2022.

3. Counsel for the petitioner *inter alia* submits that petitioner is falsely implicated in the present case and is in custody for the last about 2 years and that trial is not progressing ahead. It is further submitted that report of FSL is silent with regard to Batch number, date of manufacture and expiry date and only 10 injections of Leegesic 2ml each were sent for their analysis to FSL and in the absence of Batch number, the said



10 injections cannot be considered as representative sample of the entire recovered medical intoxicants i.e. 70 injections stated to be that of Leegestic. It is further submitted that injections of Avil are not covered under NDPS Act. Counsel for the petitioner further submits that as it will take time for the trial to conclude, no useful 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 submits that commercial quantity of medical intoxicants i.e. 70 injections of Leegestic were recovered from the petitioner. However, the State counsel has not disputed the fact that petitioner is incarcerated for the last about 2 years and till date only 03 witnesses out of total 13 witnesses are examined on behalf of the prosecution. The State counsel further apprised the Court that the petitioner is having criminal history and is already convicted in one other case under NDPS Act.

5. In rebuttal, counsel appearing on behalf of petitioner submits that no doubt the petitioner is a previous convict and sentenced to RI for 04 years in one another case under NDPS Act but his sentence is already suspended by the Co-ordinate Bench of this Court.

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

7. Admittedly, it appears that no Batch number is mentioned in the report of FSL. Thus, it is a moot point as to whether the sample sent for analysis is representative sample of the entire medical intoxicants i.e. 70 injections of Leegestic stated to be recovered from possession of the



petitioner. Further, the petitioner is already behind bars for last about 2 years and it will take considerable time for the trial to terminate.

8. In light of the above, no useful purpose is going to be served by keeping the petitioner in custody for any further period. Thus, 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

16.09.2024
Priyanka Thakur

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