

Law Today Live Doc. Id. 15062

PUNJAB AND HARYANA HIGH COURT

Before: Anupinder Singh Grewal, J.

CRM-M-14155-2020 (O&M)

Decided on: 19.06.2020

Sukhwinder Kumar

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Imran Ahmad Ali, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Narcotic Drugs and Psychotropic Substances, Act, 1985 (61 of 1985), Section 22, 61, 85 – Regular bail -- 85 injections of Avil and 85 injections of Buprenorphine each containing 2 ml. are stated to have been recovered from the petitioner – Petitioner is in custody for over one year and four months; he is not involved in any other case under the NDPS Act -- Orders of the Coordinate Benches, the COVID-19 pandemic and the conclusion of the trial is likely to take some time -- Concession of regular bail granted to the petitioner.

(Para 1,5)

Cases referred:

1. Dalwinder Singh versus State of Punjab, passed in CRM-M-10753-2019 on 03.05.2019.
2. Kamaljeet Singh @ Kamal versus State of Punjab, passed in CRM-M-4538 of 2019 on 13.03.2019.
3. Kuldeep Singh versus Union Territory, Chandigarh, passed in CRM-M-1400-2018 on 19.01.2018.

JUDGMENT

ANUPINDER SINGH GREWAL, J. (ORAL) –

1. The petitioner is seeking regular bail in FIR No.0030, dated 31.01.2019, under Section 22 of the NDPS Act (Sections 61 and 85 of the NDPS Act added later on), registered at Police Station Phillaur, district Jalandhar Rural.

2. Learned counsel for the petitioner contends that the allegations in the FIR are that 85 injections of Avil and 85 injections of Buprenorphine each containing 2 ml. are stated to have been recovered from the petitioner. He further contends that Avil does not constitute an offence under the NDPS Act. The petitioner is in custody for over one year and six months and is not involved in any other case under the NDPS Act. He has relied upon the judgements of the Coordinate Benches of this Court in the case of **Dalwinder Singh versus State of Punjab, passed in CRM-M-10753-2019 on 03.05.2019** whereby the petitioner therein, who was in possession of 15 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about a year in custody; in the case of **Kamaljeet Singh @**

Kamal versus State of Punjab, passed in CRM-M-4538 of 2019 on 13.03.2019, whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about nine months in custody and in the case of **Kuldeep Singh versus Union Territory, Chandigarh, passed in CRM-M-1400-2018 on 19.01.2018** whereby the petitioner therein, who was in possession of 12 injections of Buprenorphine containing 2 ml each, was granted regular bail after having put in about three months in custody.

3. Learned State counsel, upon instructions from SI Pargat Singh, Police Station Phillaur, contends that the petitioner is in custody for 01 year, 04 months and 17 days. He also contends that 01 out of 10 prosecution witnesses has been examined.

4. Heard through video conferencing.

5. In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over one year and four months; he is not involved in any other case under the NDPS Act; the orders of the Coordinate Benches of this Court, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petition allowed.
