

Sr. No.212

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

CRM-M-20215-2018(O&M)

Date of decision:01.11.2018

Surinder Signh @ Shinda

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.AG,Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.98 dated 02.06.2016 for the offences punishable under Section 22 of the NDPS Act, registered at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the recovery from the petitioner is 50 gms of powder containing Alprazolam. However, as per the FSL Report, the quantity of prohibited substance recovered is 0.12% only. Therefore, the recovery from the petitioner is less than the commercial quantity of the prohibited substances. In support of his contention, learned counsel for the petitioner has relied upon the judgment of this Court rendered in ***CRM-M-35080-2018; Rajvir Singh @ Raju vs. State of Punjab decided on 21.08.2018.*** It is further contended that the petitioner is in custody since 02.06.2016. Investigation of the case is already complete. Petitioner is not required further for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Bhagwant Singh submits that recovery from the petitioner is of powder containing Alprazolam which is a commercial quantity. However, the fact regarding the custody has not been disputed by him.

In view of the above, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

1st November, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*