

S.No.211

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

CRM-M-29423 of 2018 (O&M)

Date of Decision:30.08.2018

Yadwinder Singh

.....Petitioner

Vs.

UT Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Rajejev Anand, Advocate for
UT, Chandigarh.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.66 dated 15.02.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector-39, UT, Chandigarh.

Counsel for the petitioner contends that the case registered against the petitioner is false and concocted; at the instance of Uncle of his erstwhile wife, who is working in Police. The petitioner got divorced from his wife on 14.02.2018 and this case was planted upon him on 15.02.2018 itself. Counsel further contends that even the search of the petitioner was not conducted in the presence of a Magistrate or a Gazetted Officer. Therefore, the recovery stands vitiated. Relying upon judgment of this Court in CRM-M-35080 of 2018 – **Rajvir Singh @ Raju Vs. State of Punjab**, the counsel contends that otherwise also, the material recovered

from the petitioner is the injection of “Buprenorphine” and the total quantity in all the injections recovered from the petitioner comes to be only 50 mg. of “Buprenorphine Hydrochloride”. This is much lesser than even the small quantity. Counsel also contends that there is no other case against the petitioner.

Learned State Counsel; appearing for UT, Chandigarh; being assisted by SI Kulwant Singh, submits that the recovery has been effected from the petitioner. It is further contended that the petitioner had given his consent for search by the Arresting Officer. However, it is not denied that there is no other case against the petitioner.

In view of the above submissions, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Illaqa Magistrate.

August 30, 2018
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(RAJBIR SEHRAWAT)
JUDGE

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