

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30976-2018 (O&M)

Date of decision:27.11.2018

Sukhwinder Singh @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in FIR No.31 dated 07.04.2016 for the offences punishable under Sections 15/18/21/22/61/85 of NDPS Act, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is of 150 grams of intoxicant powder. However, on analysis by the FSL, the quantity of the prohibited substance i.e. *Alprazolam* is found only 0.28%. Accordingly, it is contended by the counsel for the petitioner that even as per the case of the police, the recovery from the petitioner is of non-commercial quantity of the prohibited substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 09.04.2016. The investigation of the case is complete and the petitioner is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Dalvinder Singh, submits that the recovery from the petitioner is of heavy quantity, therefore, he should not be released on bail. Still further, it is contended by the counsel that there have been one more case under the NDPS Act. However, learned State counsel has not disputed that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is 0.28% only.

In response to above, counsel for the petitioner submits that the said another case against the petitioner under NDPS Act was already decided. In that case, the petitioner was sentenced only with imprisonment for two months and that sentence has already been undergone by him.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

27.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No