

S.No.214

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

CRM-M-40183 of 2018 (O&M)

Date of Decision:03.10.2018

Sarwan SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. G.S. Sandhu, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG,
Punjab.

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.114 dated 24.03.2015 registered under Section 22 of NDPS Act, 1985 at Police Station Division A, Amritsar.

Counsel for the petitioner contends that the alleged recovery from the petitioner is of powder allegedly containing Diphenoxylate Hydrochloride, which is a psychotropic substance but the percentage of the psychotropic substance found in the recovered material is only 0.65%, which is less than commercial quantity. Counsel has relied upon the judgment of this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his argument. It is further contended by the counsel that although the petitioner was earlier arrested in this case but he was released on interim bail awaiting the FSL report. However, since 18.06.2018, he is in continuous custody. There is no other case against the petitioner. The petitioner is not required for any investigation purposes.

On the other hand, counsel for the State submits that the recovery from the petitioner is of 100 grams of powder containing Diphenoxylate Hydrochloride; which is commercial quantity. However, the counsel has not disputed the fact that there is no other case against the present petitioner.

In view of the above submissions made by counsel for the petitioner, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 03, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No