

Sr. No.208

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

**CRM-M-40770-2018
Date of decision:7.12.2018**

Arvinder Singh @ Mati

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sahil Puri, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl.AG,Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.93, dated 21.07.2016 for the offences punishable under Section 22 of NDPS Act registered at Police Station Sadar, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has been falsely involved in the case. Still further it is contended that even if the case of the prosecution is taken as it is; then also the alleged recovery from the petitioner is 160 gms of powder, allegedly containing '*Alprazolam*', the prohibited substance. However, as per the analysis report, the actual quantity of the prohibited substance found in the alleged recovery is only 0.21%. Therefore, by any means, the recovery of actual prohibited substance from the petitioner is of non-commercial quantity. In support of his contention learned counsel for the petitioner has relied of 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 by learned

counsel for the petitioner that challan has already been filed and the charges have been framed. Therefore, petitioner is no more required for any investigation purposes.

On the other hand. Learned State Counsel being instructed by ASI Manjit, submits that recovery from the petitioner is very heavy. It is further contended that there is one more case under Section 379 IPC; against the petitioner. However, percentage of actual quantity of the prohibited substance; is not disputed by the learned State counsel.

In response to the submissions made by learned State counsel, learned counsel for the petitioner submits that the petitioner is already on bail in that another case. He is not in custody in any other case; except the present case; as of today.

In view of the above, but without commenting upon the merits of the case, 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.

7th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*