

Sr. No.215

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

CRM-M-41041-2018

Date of decision:01.11.2018

Gurcharan Singh @ Channu and another

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Gurvir Kaur Gill, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl.AG,Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.19 dated 09.04.2018 for the offences punishable under Section 22,61 of NDPS Act, 1985 registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioners contends that even as per the case of the prosecution the recovery from the petitoners is of 1300 tablets of Alprazolam. However, the quantity of the prohibited substance per tablet is only 0.49 mg. The second recovery alleged from the petitoners is of 200 tablets of Tramadol Hydrochloride. However, in this recovery also the quantity of prohibited substance is only 19.492 gms. Hence it is contended that in both the alleged recoveries the presence of the prohibited substance is less than the commercial quantity. In support of his contention, learned counsel for the petitioners 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**.

On the other hand, learned State counsel, being instructed by ASI Iqbal Singh submits that there is huge recovery from the petitioners. It is further contended that there are two more cases against the petitioner No.1.

In response thereto, learned counsel for the petitioners submits that out of two cases referred to by the State counsel, the petitioner No.1 has already been acquitted in one case and in second case, the petitioner No.1 has already been released on bail.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioners are granted the concession of bail pending trial. They 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*