

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

**CRM NO. M-43145 OF 2018
DATE OF DECISION : 26.10.2018**

Kashmir Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Bikramjit Aroura, 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.56 dated 03.07.2016 for the offences punishable under Section 22 of NDPS Act, 1985 registered at Police Station Fattudhinga, District Kapurthala.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is 150 gms of powder containing Alprazolam. As per the Forensic Science Laboratory report, the percentage of the prohibited substance, in the powder, is found to be .20% only. Therefore, the recovery of prohibited substance from the petitioner, is of the quantity less than even the small quantity. Learned counsel for the petitioner 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**. It is further contended by learned counsel that the petitioner is in custody since 09.05.2017. Challan has already been filed. The petitioner is not required for investigation purpose. Therefore, no purpose will be served by keeping the petitioner behind the bars.

On the other hand learned State counsel, being instructed by ASI Balwinder Singh, does not dispute the fact regarding custody of the petitioner and the fact that the content of the prohibited substance found in the recovery, is .20%.

Keeping in view the submissions made by learned counsel for the petitioner, but without commenting any further 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 furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

OCTOBER 26, 2018
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO