

Sr. No.211

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

CRM-M-49233-2018(O&M)

Date of decision:14.12.2018

Chagandeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.K.S.Phoolka, 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.88, dated 16.08.2018 for the offences punishable under Section 22 of the NDPS Act, 1985 registered at Police Station Nandgarh, District Bathinda.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is of 1950 tablets of TRIO-SR, containing prohibited substance of Tramadol. However, as per the FSL Report, the actual quantity of the prohibited substance found in this entire recovery is about 193 gms, which is much less than the commercial quantity prescribed for this prohibited substance. In support of his contention 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 for the petitioner that the petitioner is in custody since

16.08.2018. He is no more required for investigation purposes.

On the other hand learned State counsel, being instructed by ASI Tarlok Singh, submits that the recovery from the petitioner is of 1950 tablets. However, it is not disputed that the actual quantity of the prohibited substance detected as per the FSL Report, in the entire recovery, is less than the commercial quantity and that there is no other case against the petitioner under NDPS Act.

In view of the above, but 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 furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

14th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*