

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49750-2018 (O&M)

Date of decision:19.11.2018

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.34 dated 02.07.2018 under Section 21/22 of NDPS Act, registered at Police Station Jhander, District Amritsar.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is of 1200 loose tablets, without any specific details regarding alleged contents of the recovered tablets. Hence, even the apprehension of the Arresting Officer that the petitioner was having any prohibited substance, was baseless. So far, no FSL report has been received. The petitioner is being incarceration without there being any incriminating substance against him. It is further contended that the petitioner is in custody since 02.07.2018. There is no other case against the petitioner. The investigation of the case is already complete. The trial shall take a long time.

On the other hand, learned State counsel submits that the recovery from the petitioner is of heavy quantity of 1200 loose tablets.

However, learned State counsel has not been able to dispute that there is

nothing to suggest, at this stage, that the said tablets contained any prohibited substance. The FSL report has not been received so far. It is also not disputed that there is no other case against the petitioner and that the investigation of the case is complete qua the petitioner.

In view the above submissions made by counsel for the petitioner, particularly the fact that there is no description given by the Arresting Officer qua the contents of the recovered material and the FSL report has also not been received, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

19.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No