

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51005-2018 (O&M)

Date of decision:26.11.2018

Gurdeep Singh alias Guri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Anil K. Sagar, 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.81 dated 14.07.2018 for the offences punishable under Sections 22/61/85 of NDPS Act, registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is of 980 tablets containing *Diphenoxylate Hydrochloride*, which is the prohibited substance. However, as per the FSL report, the total quantity of prohibited substance found in the entire recovery is about 2.45 grams only. Therefore, the recovery from the petitioner is of less than commercial quantity of prohibited substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 14.07.2018 and there is no other case against him. 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, therefore, he should not be released on bail. However, learned State counsel has not disputed that as per the FSL report, the total quantity of prohibited material found in the entire recovery is of 2.45 grams only. It is also not disputed that there is no other case against the petitioner.

In view of the above, 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 Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

26.11.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No