

Sr. No.211

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

**CRM-M-53955-2018
Date of decision:11.12.2018**

Gurwinder Singh @ Bagga

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikasdeep Singh, 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.61 dated 06.08.2016 for the offences punishable under Section 22 of NDPS Act, 1985 registered at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner contends that even as per the allegations against the petitioner, the alleged recovery from the petitioner is of 40 gms powder, allegedly containing Alprazolam. However, as per analysis of FSL report, the actual quantity of the prohibited substance found in the recovered material is only .12%. Hence, recovery from the petitioner is of much less than the commercial quantity of the prohibited substance. In support of his contention learned counsel for the petitioner has relied of 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

06.08.2016. Petitioner is not required for any investigation purposes.

On the other hand learned State counsel, being instructed by HC Harjinder Singh, submits that there has been another case against the petitioner. However, State counsel has not disputed the fact that the petitioner is in custody since 06.08.2018 and that the quantity of prohibited substance recovered from the petitioner is only .12%.

In response to the submission made by learned State counsel, learned counsel for the petitioner has submitted that in another case, which has been referred by the learned State counsel; petitioner has already been acquitted. Petitioner is not in custody in any other case except the present case, as of today.

In view of the submissions made by learned counsel for the petitioner, 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.

11th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*