

S.No.214

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

CRM-M-54152 of 2018 (O&M)

Date of Decision:13.12.2018

Gurlal SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Akhilesh Vyas, Advocate
for the petitioner.
Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.34 dated 02.07.2018 registered under Section 21/22 of NDPS Act at Police Station Jhander District Amritsar.

Counsel for the petitioner contends that even as per the allegations against the petitioner, the alleged recovery from the pillion rider of the motor-cycle, which the petitioner was driving, is of 1200 loose tablets. No contraband has been recovered from the petitioner. Even in the recovery alleged against the co-accused, the quantity of actual prohibited substance found per tablet is only .36 mg. Therefore, by any means, the total quantity of prohibited substance recovered from the co-accused is also non-commercial quantity. Learned counsel relies upon a judgment of this Court rendered in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. Still further, it is contended that there is no other case against the petitioner. The petitioner is in custody since 02.07.2018. He is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Tarsem Singh, submits that recovery from the co-accused of the petitioner is a huge quantity of 1200 loose tablets, therefore, the petitioner does not deserve to be released on bail. However, counsel for the State has not disputed the fact that the actual quantity of prohibited substance found per tablet, recovered from the alleged co-accused, is only 36 mg. It is also not disputed that there is no recovery from the petitioner as such and that there is no other case against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 13, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No