

218 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-1264-2019 (O&M)

Date of decision:05.02.2019

Chamkaur Singh @ Bhaura Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Rajesh Bhatheja, Advocate  
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

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**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.121 dated 24.08.2018 under Section 22 of NDPS Act, registered at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner contends that the present case has been concocted against the petitioner. The petitioner is not involved in the present case. Even the prescribed procedure in the alleged recovery has not been followed. Otherwise also, as per the case of the prosecution itself, the alleged recovery from the petitioner is 600 tablets of Alprafresh containing the prohibited substance *Alphrozolam*. However as per the FSL report, the total quantity of prohibited substance in the entire recovery from the petitioner is only 85.6 grams, which is much less than the commercial quantity. 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 24.08.2018 and the investigation of the case is complete. The petitioner is not required for any

investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by HC Bhagwan Singh, submits that there is heavy recovery from the petitioner. It is further pointed out that there are three more cases against the petitioner under the NDPS Act, out of which, in two cases, the petitioner has already been convicted. However, it is not denied that the actual quantity of the prohibited substance in the entire recovery from the petitioner is less than commercial quantity.

In response to the submissions made by learned counsel for the State, learned counsel for the petitioner submits that the petitioner is already on bail in all other cases, except the present one.

Be that as it may, 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

05.02.2019  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |