

Sr. No.224

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

**CRM-M-4856-2019(O&M)
Date of decision:06.02.2019**

Bagga Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. G.S.Sandhu, 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.64 dated 10.05.2018 for the offences punishable under Sections 22/61/85 of the NDPS Act, 1985 registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is concocted. He is not involved in any crime, as alleged in the FIR. The recovery alleged from the petitioner is wrongly thrust upon him. It is further contended that even if the alleged recovery is taken to be corrected, then also the alleged recovery is of 1790 tablets containing the prohibited substance Alprasafe. However, as per the FSL report the total quantity of prohibited substance found in the entire alleged recovery is only 0.82 gms, which is less than the small quantity. In support of his contention learned counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080-2018; Rajvir Singh @**

Raju vs. State of Punjab;2018(4)RCR(Crl)375. It is further contended that although earlier the petitioner was granted interim bail awaiting the FSL report, however, now the petitioner is in custody since 07.12.2018. petitioner is not required for investigation purposes.

On the other hand learned State counsel, being instructed by ASI Sat Parkash, submits that there is recovery of 1790 tablets. However, it is not disputed that the actual quantity of the prohibited substance found in the entire recovery is only 0.82 gms which is less than the small quantity.

In view of the above, 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.

6th February, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*