

Sr. No.209

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

CRM-M-10420-2019

Date of decision:29.03.2019

Wazir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Satwant Mehta Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.121 dated 12.10.2017 for the offences punishable under Section 22 of NDPS Act registered at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner submits that the case has wrongly been fabricated against the petitioner. However, even as per the case of the police, the alleged recovery from the petitioner is of 1500 tablets, containing prohibited substance Diphenoxylate Hydrochloride. But as per the FSL report, the actual quantity of prohibited substance found in the entire recovery is only 3.5 grams which is marginally higher 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 by learned counsel for the petitioner that the petitioner is in custody since 12.11.2018 and that there is no other case against the petitioner. Petitioner is no more required for investigation purposes.

On the other hand learned State counsel, being instructed by ASI Gurpal Singh, submits that the petitioner is involved in a case of commercial quantity of Psychotropic substance. However, learned State counsel has not disputed the fact that as per the FSL report the quantity of prohibited substance in the alleged recovery is less than commercial quantity only and that there is no other case against the petitioner.

Be that as it may, 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.

29th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*