

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12338-2019 (O&M)

Date of decision:02.05.2019

Jeona Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, 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.65 dated 09.03.2018 registered under Section 22 of NDPS Act, at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner contends that the case against the petitioner is false. The petitioner is not involved in the case. It is further submitted that the alleged recovery from the petitioner is 155 grams of intoxicant powder; containing the prohibited substance *Alprazolam*. However, since there was no certainty about the intoxicant being present in the recovered powder, therefore, awaiting the report from the FSL, the petitioner was released on interim bail by the trial Court. The petitioner had not misused the concession of interim bail in any manner whatsoever. However, subsequently, a report was received from the FSL and it was affirmed that the powder contained the prohibited substance *Alprazolam*. Therefore, the petitioner had surrendered to the Court on 25.01.2019 and he is in continues custody since then. It is further submitted

that, however, even as per the FSL report, the quantity of prohibited

substance found in the recovered material is .11 percent, which comes to less than even the small quantity in the entire alleged recovery made from the petitioner. Counsel for the petitioner has relied upon **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. It is further submitted that the petitioner is now facing the trial. Therefore, he is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Tarsem Singh, submits that there has been a huge recovery of 155 grams of intoxicant powder from the petitioner. However, it is not disputed that as per FSL report, the actual quantity of prohibited substance found in the entire recovery is less than even the small quantity; prescribed for this prohibited substance.

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.

(RAJBIR SEHRAWAT)
JUDGE

02.05.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No