

S.No.213

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

CRM-M-12975 of 2019 (O&M)

Date of Decision:15.07.2019

Daljit SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, 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.68 dated 10.03.2018 registered under Section 22 of NDPS Act, 1985 at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner contends that the case against the petitioner is totally planted one. Nothing was recovered from the petitioner as such. The petitioner has been roped in a false case. Otherwise, even as per the case of the prosecution, the recovery from the petitioner was 175 grams of, allegedly, intoxicant powder. However, as per the FSL report, the prohibited substance Alprazolam was found in the alleged recovery. But the total quantity of the prohibited substance found in the entire recovery is only 0.12%, which comes to less than even the small quantity prescribed for the substance. Learned counsel relies upon a judgment passed by this Court 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 submitted that earlier, the petitioner was

released on interim bail in this very case, awaiting the report of the FSL. However, after the report of the FSL was received, the petitioner was taken into custody on 25.01.2019 and since then he is in continuous custody. It is also submitted that petitioner is no more required for any investigation purposes.

On the other hand, learned State Counsel submits that there has been another case; under NDPS Act itself; against the petitioner, in which he is facing trial. However, it is not disputed that in the present case, as per the FSL report, the actual quantity of the prohibited substance found in the entire alleged recovery made from the petitioner is less than even the small quantity.

As response to the argument of the State Counsel, learned counsel for the petitioner has submitted that in another case referred to by the learned State Counsel, the petitioner has already been released on bail. As of today, the petitioner is not in custody in any other case; except the present one.

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.

July 15, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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