

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-13765 of 2019

Date of Decision: April 29, 2019.

Harwinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT.

Present: Mr.Deepak Bhardwaj, Advocate, for the petitioner.
Mr.Prabhjot Singh Walia, AAG, Punjab.

-. -

Rajbir Sehrawat, J. (Oral)

Present petition has been filed for seeking bail pending trial in FIR No105 dated 14.06.2018, for the offences punishable under Section 22-61-85 of the NDPS Act, 1985, Police Station City Nawanshaher, District SBS Nagar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the prosecution story, the alleged recovery from the petitioner is of 90 intoxicant injections, containing prohibited substances Buprenorphine Hydrochloride. However, the actual quantity of prohibited substance found per injection by FSL is 0.298 grams per ml, which comes out to be less than the small quantity of prohibited substance in the entire recovery. 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 versus State of Punjab; 2018(4)RCR(Crl.)-375*. It is also submitted that the petitioner is in custody since 14.06.2018 and that there is no other case under the NDPS Act, pending against him.

On the other hand, learned State counsel, on instructions from Ms.Richa, SI, submits that there is huge recovery of intoxicant injections from the petitioner. However, it is not disputed that as per the FSL report, the actual quantity found in injections is only 0.298 mg per ml., which is less than the small quantity in the entire recovery. It is also not disputed that no other case under the NDPS Act is pending against the petitioner.

In view of the above but without commenting on the merits of the case, the present petition is allowed. The petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

April 29, 2019
mohinder

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No