

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-13779 of 2019

Date of Decision: April 29, 2019.

Gurpreet Singh alias Gopi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT.

Present: Mr.Ashish Aggarwal, Advocate, for the petitioner.
Mr.Prabhjot Singh Walia, AAG, Punjab.

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Rajbir Sehrawat, J. (Oral)

Present petition has been filed for seeking bail pending trial in FIR No.50 dated 30.06.2018, for the offences punishable under Sections 21, 22 of the NDPS Act, 1985 (Sections 379, 411, 489 of IPC), Police Station Valtaha, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has been involved in a false case. Even as per the case of the Police, the alleged recovery from the petitioner is of 800 intoxicant tablets, containing prohibited substance and 50 grams of heroine. However, total quantity of the prohibited substance found in 800 tablets of Tramadol, as per the FSL report, is 72.7 gm, which comes to be less than the commercial 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 versus State of Punjab; 2018(4)RCR(Crl.)-375***. It is further submitted that even the alleged 50 grams heroine is the non-commercial quantity of this prohibited substance. Hence, the petitioner is facing trial only for possessing non-commercial quantity of the prohibited substance.

Still further, the petitioner was earlier released on interim bail on 04.09.2018 awaiting the report of FSL. The petitioner has never mis-used the concession of interim bail. However, on receipt of FSL report, the interim bail of the petitioner was cancelled and he was taken into custody on 17.01.2019. The petitioner is in continuous custody since then. It is further submitted that no other case under the NDPS Act is pending against the petitioner. The charges have already been framed in this case, therefore, the petitioner is not required for investigation purpose.

On the other hand, learned State counsel, on instructions from ASI Jatinder Singh, submits that the petitioner has been found in possession of two different prohibited substances, including huge recovery of Tramadol. However, it is not disputed that as per the FSL report, the quantity of prohibited substance in all the 800 tablets is only 72.7 gm; which comes out to be non-commercial quantity. It is also not in dispute that there is no allegation against the petitioner for mis-using the concession of interim bail in any manner. Still further, it is not disputed that no 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 Trail Court/Duty Magistrate.

April 29, 2019

mohinder

(RAJBIR SEHRAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No