

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-14308 of 2019

Date of Decision: April 29, 2019.

Manjit Singh @ Monty

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT.

Present: Mr.Vipul Jindal, 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.238 dated 13.06.2015, for the offences punishable under Section 22 of the NDPS Act, Police Station A Division, Amritsar City.

Learned counsel for the petitioner contends that although the case against the petitioner is totally concocted but even as per the story of prosecution, the alleged recovery from the petitioner is only 100 grams of intoxicant powder, containing some prohibited substances. As per the report of FSL, the actual quantity of prohibited substance found in the entire recovery is 1% which comes to be 1 gram of prohibited substance, namely, Diphenoxylate Hydrochloride. This quantity is less than even small quantity of prohibited substance. 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 no other case under the NDPS Act is pending against the petitioner. Still further, it is pointed-out that in this very case, the petitioner was earlier granted

concession of interim bail, awaiting the FSL report. However, after the receipt of FSL report, the petitioner has been taken into custody on 08.03.2019 and since then he is continuously in custody. It is further submitted that since even the charges have been framed, therefore, the petitioner is not required for investigation purpose. Hence, the petitioner deserves concession of bail.

On the other hand, learned State counsel, on instructions from SI Sukhpal Singh, submits that there is recovery of 100 grams of intoxicant powder. However, it is not disputed that as per the FSL report, the actual prohibited substance found in the entire recovery is 1 gram, which is even less than the small quantity of prohibited substance. 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