

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

CRM-M-14677-2019

Date of Decision:08.04.2019

Roshan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, A.A.G. Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.84 dated 04.10.2017 registered under Section 22 of NDPS Act, 1985 at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner submits that the case against the petitioner is totally false. It is further submitted that even as per the case of the police, the alleged recovery from the petitioner is 50 Tablets of Alprazolam and 750 Tablets of Tramadol Hydrochloride. However, so far as the recovery of tablets of Tramadol is concerned, the same is irrelevant in the case, because, the salt found in this tablet was not the prohibited substance on the date of alleged recovery from the petitioner. It was declared as prohibited substance by a subsequent notification. It is further submitted that so far as the recovery of tablet Alprazolam is concerned, as per the FSL report, the total prohibited substance found in this recovery is .47 Mg per tablet, which comes to be less than even the small quantity prescribed for this prohibited substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in the

case of **Rajvir @ Raju** v. **State of Punjab** in CRM-M-35080 of 2018 to support his contention. It is further submitted that the petitioner is in custody since 04.10.2017. There is no other case against the petitioner. There are about 13 witnesses in the case and only one has been examined by the prosecution so far. Therefore, the trial is likely to take long time to conclude. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by ASI Balwan Singh, submits that a heavy quantity of the contraband is recovered from the petitioner. However, it is not denied that the petitioner is in custody since 4.10.2017. It is also not denied that the tablet Tramadol was not declared as prohibited substance on the date of alleged recovery from the petitioner and that the actual quantity of prohibited substance found in other recovered material is less than the small quantity.. Still further, it is not denied that there is no other case against the petitioner and that out of 13 witnesses, only one witness has been examined so far.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

08.04.2019
rajeev

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No