

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

CRM-M No.16326 of 2019
DATE OF DECISION : 11th JULY, 2019

Jagdeep Singh @ Heera

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Monty Goyal, Advocate for the petitioner.

Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.24 dated 02.02.2019 registered under Sections 22, 61 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered from the petitioner. Even as per the case of the prosecution, the allegation against the petitioner is that he has thrown away the carry bag and run away. However, in that carry bag 3900 tablets of Alprasape, were found. It is submitted that as per the report of FSL, total quantity of the prohibited substance Alprazolam found in the entire recovery is only 1.67 grams, which is less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has placed reliance on judgment of this court passed in *CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab* decided on 21.08.2018, to support his contention.

It is further submitted that there is no other case against the petitioner. The petitioner is in custody since 02.02.2019. It is further submitted that charge has been framed and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Naresh Kumar, submits that the petitioner has been found possessing 3900 tablets containing prohibited substance. Therefore, a huge recovery of prohibited substance has been made from the petitioner. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the entire recovery is 1.67 grams. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting 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.

11th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>