

Sr. No.219

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

CRM-M-37683-2018

Date of decision:14.02.2019

Mander Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. J.K.Singla, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.60 dated 29.05.2018 for the offences punishable under Sections 22-61-85 of the NDPS Act, 1985 registered at Police Station, Jhunir, District Mansa.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 170 tablets containing prohibited substance Alprazolam and 650 tablets containing prohibited substance Tramadol. Even if the recovery is taken to be correct then also the actual quantity of prohibited substance found in the entire recovery is less than the commercial quantity of the respective substances. 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 vs. State of Punjab;2018(4)RCR(Crl)375***. It is further contended by learned counsel for the petitioner that the petitioner is in

custody since 29.05.2018. Investigation is already complete. Petitioner is no more required for investigation purposes.

On the other hand learned State counsel submits that there is huge recovery from the petitioner. However, it is not disputed that the actual quantity of the prohibited substance in the entire recovery is less than the commercial quantities of the respective substances. But the counsel has pointed out that there has been another case against the petitioner under NDPS Act only.

In response to the submissions made by learned State counsel, learned counsel for the petitioner has submitted that in another case, the petitioner has already been released on bail pending trial.

In view of the submissions made by learned counsel for the petitioner, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

14th February, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*