

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

CRM-M No.21041 of 2019 (O&M)
DATE OF DECISION : 16th NOVEMBER, 2019

Jodh Singh @ Jot Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. G. S. Punia, Senior Advocate with
Mr. Anil Kumar Sharma, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, 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 bail pending trial in case FIR No.26 dated 30.11.2018 registered under Sections 21/22/29 of Narcotics Drugs & Psychotropic Substances Act, 1985 and Section 473 IPC at Police Station Nangal Bhoor, District Pathankot.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is of 1.5kg of intoxicant powder, containing prohibited substance Alprozolam. It is submitted that as per the report of FSL, total quantity of the prohibited substance Alprazolam found in the entire recovery is only 18.75 grams, which is less than even the commercial 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 30.11.2018. 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 Kuldeep Singh, submits that the petitioner has been found in possession of 1.5 kg in toxicant powder containing Alprazolam. Therefore, a huge recovery of prohibited substance has been made from him. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the entire recovery is 18.75 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.

16TH NOVEMBER, 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>