

S.No.211

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

CRM-M-46596 of 2018 (O&M)

Date of Decision:22.01.2019

Vijay Kumar @ Kaka @ Kala

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sourabh Arora, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG,
Punjab.

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.0033 dated 22.06.2018 registered under Sections 21 and 22 of NDPS Act at Police Station Jhander, District Amritsar Rural.

It is contended by counsel for the petitioner that the petitioner is not involved in this case at all. The case against the petitioner is totally concocted by the Police. It is further contended that even as per the case of the prosecution, the alleged recovery from the petitioner is 1205 intoxicant tablets. The actual quantity of the prohibited substance found in the entire recovery is only 116 miligrams which is much less than the commercial quantity. Counsel has relied upon the judgment of this Court rendered 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 contended that the petitioner is in custody since 22.06.2018. The investigation of the case is complete. He is not required any further for investigation purposes in this case. Hence, no purpose would be served by keeping the petitioner in custody. He deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, being instructed by ASI Harjit Singh, submits that the recovery from the petitioner is 1205 tablets of the intoxicant, which is a heavy recovery. It is further contended that there are four other cases against the petitioner including the one under the NDPS Act. However, it is not disputed by the learned State counsel that the actual quantity of prohibited substance from the entire recovered material is only 116 miligrams.

In view of the above, but without commenting any further 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.

January 22, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No