

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

CRM-M No.21930 of 2019
DATE OF DECISION : 24th JULY, 2019

Gurdev Singh @ Kalu @ Neela

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Anantdeep Singh Sandhu, 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 bail pending trial in case FIR No.99 dated 17.09.2018 registered under Sections 22, 61 of NDPS Act 1985 at Police Station Lohian, District Jalandhar.

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 750 tablets of prohibited substance Tramadol. As per the FSL report the total quantity of the prohibited substance found from the entire recovery is 74.83 grams only, which is less than the commercial quantity prescribed for the substance. The counsel for the petitioner 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 submitted that the petitioner is in custody since 17.09.2018. There is no other case under NDPS Act against the petitioner. The

charge has already been framed in the case and, therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Jivan Kumar, submits that a heavy recovery of 750 tablets of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. Although, the learned State counsel has pointed out that there is another case against the petitioner under Section 379B IPC, however, it is not disputed that there is no other case against the petitioner under the NDPS Act. It is also not disputed that the petitioner is in custody since 17.09.2018.

As response to the argument of learned counsel for the State, learned counsel for the petitioner submits that in the case referred to by counsel for the State, the petitioner is already on bail. The petitioner is not in custody in any other case except the present one, as of today.

In view the above, 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.

24th 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>