

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48563-2018 (O&M)

Date of decision:01.02.2019

Vijay Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.91 dated 22.04.2018 under Section 22 of NDPS Act, registered at Police Station City South Moga.

Learned counsel for the petitioner contends that the present case has been concocted against the petitioner because he had levelled allegations against the police officials qua harassment in a case where the petitioner was a witness. The recovery from the petitioner is totally concocted. The petitioner is not involved as alleged in the FIR. It is further submitted that even if the allegations are taken to be correct, then also the alleged recovery from the petitioner is of 300 grams of intoxicant powder containing prohibited substance Alprazolam and 5 grams of heroin. However as per the FSL report, the actual quantity of prohibited substance recovered from the petitioner, qua both the substances, is less than commercial quantity. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 22.04.2018 and the

investigation of the case is complete. The petitioner is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Mukwinder Singh, submits that there is a heavy recovery from the petitioner. It is also contended that there are two more cases against the petitioner. Hence, the petitioner does not deserve any concession of bail.

In response to the submissions made by learned State counsel, the learned counsel for the petitioner submits that in the other two cases referred by learned State counsel, the petitioner is already on bail.

In view the above submissions made by counsel for the petitioner, 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.

(RAJBIR SEHRAWAT)
JUDGE

01.02.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No