

S.No.210

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

CRM-M-23500 of 2019 (O&M)

Date of Decision:28.05.2019

Gobind SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.
Mr. Prabhjot Singh Walia, AAG, 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.226 dated 17.12.2018 registered under Section 22 of NDPS Act at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is totally fabricated at the instance of the Police. The Police have concocted a recovery of 30 bottles containing 100 ml each of syrup "Onerex". However, as per the FSL report, the prohibited substance Codeine Phosphate has been found in the syrup. But as per the FSL report also, the total quantity of prohibited substance found in the entire recovery is only 5.8 grams. Therefore, the quantity of prohibited substance found in the entire recovery, as per the FSL report, is less than even the small quantity prescribed for the substance. Learned counsel has relied upon a 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 there is no other case against the petitioner. He is in custody since 19.12.2018. Investigation is complete and

the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel submits that there has been a huge recovery of 30 bottles of syrup containing prohibited substance, amounting to three litres of the syrup. However, it is not disputed that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is only 5.8 grams; which is less than even the small quantity prescribed for the substance. It is not disputed that there is no other case against the petitioner and the challan has already been filed in the case.

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.

May 28, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No