

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23654-2019 (O&M)

Date of decision:28.05.2019

Prem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Arora, 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.8 dated 10.06.2018 registered under Section 22 of NDPS Act, at Police Station Kacha Pacca, District Tarn Taran.

Learned counsel for the petitioner contends that the case against the petitioner is fabricated by the police for malafide reasons. However, even as per the case of the prosecution, the total recovery from the petitioner is of 975 tablets containing prohibited substance *Tramadol*. But as per the FSL report, the total quantity of prohibited substance as found in the entire recovery; is only 88 grams, which is non-commercial quantity prescribed for this substance. 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 submitted that earlier the petitioner was released on interim bail awaiting report from the FSL, however, after receipt of the FSL report, the petitioner surrendered before the Court on 08.04.2019 and since then, he is in continuous custody. There is no other case against the petitioner.

Challan has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Baldev Raj, submits that there is a huge recovery of 975 tablets containing prohibited substance, which weighs upto commercial quantity. However, it is not denied that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is only 88 grams, which comes to the non-commercial quantity prescribed for the prohibited substance. It is also not disputed that there is no other case against the petitioner and that in the present case, challan has already been filed.

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.

(RAJBIR SEHRAWAT)
JUDGE

28.05.2019
Hemlata

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