

Sr. No.207

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

CRM-M-24498-2019

Date of decision:31.05.2019

Kala Singh

..... Petitioner

versus

State of Haryana

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Naveen Singh Panwar, Advocate
for the petitioner.

Mr. Praveen Aggarwal, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.0467, dated 02.10.2018 for the offences punishable under Section 20 of NDPS Act, registered at Police Station Rai, District Sonapat.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is 11.650 Kg of Ganja Patti which is much below the commercial quantity, prescribed for the prohibited substance. It is further submitted that otherwise also, the petitioner has become entitled to bail pending trial in this case by virtue of provision of Section 167(2) Cr.P.C because FSL report was not filed alongwith the challan within the prescribed statutory time. In support of his contention learned counsel for the petitioner has relied upon the Division Bench judgment of this Court rendered in ***CRR-4659-2015; Ajit Singh @ Jeeta and another vs. State of Punjab; decided on 30.11.2018.*** Accordingly, it is submitted by learned counsel for the petitioner that the petitioner is entitled to bail pending trial as a matter of right.

On the other hand learned State counsel, being instructed by HC Naresh Kumar, submits that the petitioner is involved in five more cases. However, it is not disputed that in the present case, the recovery of the prohibited substance is much below the commercial quantity. It is also not disputed that FSL report was not filed within the statutory period.

In view of the submissions made above by learned counsel for the parties, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

31st May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*