

Sr. No.213

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

CRM-M-26034-2019

Date of decision:01.07.2019

Kala Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ankit Chowdhri, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.81 dated 02.08.2018 for the offences punishable under Sections 22/61/85 of the Narcotic Drugs & Psycotropic Substances Act, 1985, Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the allegations, the alleged recovery from the petitioner is 1970 intoxicant tablets containing prohibited substance. However, FSL report found that the actual contents of the alleged recovery of prohibited substance is 196 grams. Accordingly, the charges framed against the petitioner are for possession of non-commercial quantity of prohibited substance. It is further case of the petitioner that he is in custody since 02.08.2018 and there is no other case under the NDPS Act pending against him. Since the charges have already been framed, therefore, petitioner is not required for any interrogation purpose.

On the other hand, learned State counsel, on instructions from ASI Jasvir Singh, submits that huge recovery of 1970 intoxicant tablets has been effected. However, it is not disputed that the actual quantity of prohibited substance is 196 grams and that the petitioner is being prosecuted only for non-commercial quantity of prohibited substance in his possession. It is also not disputed that there is no other case under the NDPS Act pending against the petitioner.

In view of the above but without commenting on the merits of the case, the present petition is allowed. The petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

1st July, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*