

S.No.224

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

CRM-M-27932 of 2019 (O&M)

Date of Decision:09.07.2019

Labh Singh alias Amrik Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, 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.184 dated 10.11.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Nothing has been recovered from the petitioner. The petitioner was not even found at the place of occurrence. Still further, it is submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is of 650 tablets containing the prohibited substance Tramadol Hydrochloride. However, as per the FSL report, the total quantity of prohibited substance found in the entire recovery is only 31.525 grams, which is much less than the commercial quantity prescribed for the substance. Counsel has relied upon 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 contended that there is no other case against the petitioner. The

petitioner is in custody since 10.11.2018. Challan has already been filed in this case. The petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by ASI Balwiner Singh, submits that heavy recovery of prohibited substance has been recovered from the petitioner. It is further submitted that the petitioner had run away from the spot by leaving the contraband behind. However, it is not disputed that as per the FSL report, the total quantity of prohibited substance found in the entire recovery is only 31.5 grams and that there is no other case against the petitioner.

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.

July 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No