

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

CRM-M No.29667 of 2019
DATE OF DECISION : 19th JULY, 2019

Monu

.... Petitioner

Versus

State of U.T. Chandigarh

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Divjyot S. Sandhu, Advocate for the petitioner.
 Mr. Manish Jain, APP for U.T. Chandigarh.

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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.94 dated 09.04.2019 registered under Section 21 of NDPS Act 1985 at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is ten grams of heroin, which is less than the commercial quantity prescribed for the substance. It is further submitted that the petitioner is in custody since 09.04.2019. The challan has already been filed. Trial has not even started. The petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the U.T., being instructed by SI Narinder Singh, submits that the petitioner has been involved in several other cases as well, including the cases under the NDPS Act. However, it is not disputed that the recovery from the

petitioner is only ten grams of heroin and that the petitioner is in custody since 09.04.2019.

As response to the argument of learned counsel for the U.T., learned counsel for the petitioner submits that out of the cases referred to by counsel for the U.T., in one case the petitioner has already undergone the sentence awarded to him and in rest of the cases he is on bail. Even in the cases which are still pending, the allegation is of recovery of very small quantity of the alleged prohibited substance.

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

19th JULY, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>