

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

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CRM-M No.32235 of 2019 (O&M)
DATE OF DECISION : 13th DECEMBER, 2019

Tirath Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. J. S. Ghumman, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

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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.144 dated 26.04.2019 registered under Section 18 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Phillaur, District Jalandhar.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 1.7 kg opium, which is much less than the commercial quantity as prescribed in the Act for the aforesaid substance. The petitioner is in custody since 27.04.2019. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions from SI Kuldeep Singh, submits that huge recovery of opium

has been affected from the petitioner. However, it is not disputed that the petitioner is in custody since 27.04.2019 and that the challan has already been filed.

In view of the above, but without commenting 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.

13th DECEMBER, 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>