

S.No.217

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

CRM-M-38541 of 2019 (O&M)

Date of Decision:10.12.2019

Chanan Singh @ Kunda

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, 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.28 dated 17.04.2019 registered under Section 22 of NDPS Act 61/1985, at Police Station Valtoha, District Tarn Taran.

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 of 1000 intoxicant tablets. However, as per the FSL report, the actual quantity of the prohibited substance “Dyphenoxylate” found in the entire recovery is 2.15 mg, which is marginally higher than the small quantity. Learned counsel for the petitioner has relied upon the judgment of this Court 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 submitted that the petitioner is in custody in this case since 17.04.2019 and that there is no other case against the petitioner.

On the other hand, learned State Counsel, submits that there has been a heavy recovery from the petitioner. However, he has not disputed

the FSL report. It is also not disputed that there is no other case pending against the petitioner as of today.

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.

December 10, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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