

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

224

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**CRM-M No. 40318 of 2019  
Date of decision : 28.11.2019**

**Lakhwinder Singh**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Mikhail Kad, 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. 6 dated 13.1.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Dirba, District Sangrur.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. But even as per the case of the prosecution, recovery from the petitioner is of 700 tablets of colvidol-100 SR containing tramadol. However, as per the FSL report, the actual quantity of tramadol found in the entire recovery is 68.68 mg/per tablet, which is much less than the commercial quantities prescribed for the substance under the NDPS Act. The counsel for the petitioner has relied upon the 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 the applicant is in custody since 13.1.2019.

On the other hand, learned counsel for the State, being instructed

by the police official, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 13.1.2019.

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.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**28.11.2019**

*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |