

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

206/4

CRM-M No. 44864 of 2019

Date of decision : 7.12.2019

Gurdeep Singh @ Buta

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M No. 44910 of 2019

Arun Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J.S. Sandhu, Advocate, for the petitioners

Ms. Amarjit Kaur Khurana, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

This order shall dispose of above mentioned two petitions being the FIR is the same and the recovery from both the petitioners is joint.

The present petitions have been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 121 dated 1.5.2019, registered under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), at Police Station Talwandi Sabo, District Bathinda.

It is contended by learned counsel for the petitioners that the cases against the petitioners are totally concocted. But even as per the case of the prosecution, recovery from both the petitioners is 750 intoxicant tablets.

However, as per the FSL report, actual quantity of tramadol hydrochloride found in the tablets is 75 grams, which is less than the commercial quantity

prescribed for the substance under the NDPS Act. The counsel for the petitioners 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 petitioners are in custody since 1.5.2019.

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 petitioners. However, the result of the FSL report has not been disputed by the State counsel. It is also not disputed that the petitioners are in custody since 1.5.2019.

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

(RAJBIR SEHRAWAT)
JUDGE

7.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No