

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

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CRM-M No.46948 of 2019 (O&M)
DATE OF DECISION : 3rd DECEMBER, 2019

Shammi Kumar @ Shubham

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Angraze Singh Dhindsa, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, 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.105 dated 29.07.2019 registered under Section 21 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Division No.4, District Patiala.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is 10 grams of smack, which is less than the commercial quantity prescribed for the substance. The petitioner is in custody since 29.07.2019. 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 ASI Gurvinder Singh, submits that the petitioner has been found in possession refined contraband. However, it is not disputed

that the alleged recovery from the petitioner is of 10 grams of contraband substance and that the petitioner is in custody since 29.07.2019.

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.

3rd 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>