

S.No.209

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

CRM-M-54699 of 2018 (O&M)

Date of Decision:09.01.2019

Jagdeep Singh @ Gagan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, 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.41 dated 25.04.2018 registered under Section 22 of NDPS Act at Police Station Bajakhana, District Faridkot, Punjab.

Counsel for the petitioner contends that the alleged recovery from the petitioner, even as per the case of the prosecution is 10,000 intoxicant tablets containing the prohibited substance dyphenoxylate hydrochloride. However, as per the FSL report, the total quantity of prohibited substance in the entire recovery comes only to 24.7 grams, which is much less than the commercial quantity. Counsel for the petitioner has relied upon a 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. Still further, it is contended that otherwise also, the case against the petitioner is concocted at the instance of CIA Staff, Bajakhana, Faridkot because the petitioner had appeared as a witness in

support of an accused against whom the case was fabricated by the CIA Staff. Still further, it is contended that the petitioner is in custody since 25.04.2018. There is no other case against the petitioner. Charges have already been framed in this case. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by HC Jagjit Singh, submits that recovery from the petitioner is huge quantity of 10,000 intoxicant tablets. However, it is not disputed that as per the FSL report, the total quantity of prohibited substance is 24.7 grams in the entire recovery. It is also not disputed that there is no other case against the petitioner.

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.

January 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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