

S.No.211

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

CRM-M-53987 of 2019 (O&M)

Date of Decision:20.12.2019

Phalwinder Singh @ Falwinder SinghPetitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arun Takhi, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, 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.0044 dated 29.06.2019 registered under Section 22 of NDPS Act at Police Station Behram, District SBS Nagar.

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 10 injections of Buprenorphine and 650 capsules of Pervorin-spas. However, as per the FSL report, the actual quantity of the prohibited substance found in the recovery of 10 injections of Buprenorphine is 0.26 mg per ml and in the recovery of 650 capsules of Pervorin-spas, Tramadol is 97.52 mg per capsule, which is much less than the commercial 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 29.06.2019 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, she 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 20, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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