

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54187-2019 (O&M)
Date of decision: 08.01.2020

Jaj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.167 dated 10.07.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.07.2019 and is not involved in any other case under the NDPS Act. Learned counsel relies upon the order dated 07.12.2019 passed in CRM-M-47493-2019, vide which co-accused Pala Singh @ Pali has been granted the concession of regular bail. The operative part of the order reads as under: -

“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 of 1,000 tablets of Alpranof 0.5, containing prohibited

substance Alprozolam IP 0.5mg. It is further submitted that as per the report of FSL, the quantity of the prohibited substance Alprazolam found in the recovery is only 0.48/tablet, which is less than even the small quantity prescribed for the substance. Learned counsel for the petitioner has placed reliance on judgment of this court passed 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 there is no other case against the petitioner. The petitioner is in custody since 10.07.2019. It is further submitted that challan has been filed and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Gurmail Singh, submits that the petitioner has been found in possession of 1,000 tablets of Alpranof, containing Alprazolam. Therefore, a huge recovery of prohibited substance has been made from him. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the recovery is 0.48mg/tablet. It is also not disputed that there is no other case against the petitioner.

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.”

Learned State counsel, on instructions from the Investigating Officer, could not dispute the factual position that case of the petitioner is on

similar footings as of Pala Singh @ Pali.

Without commenting anything on merits of the case, considering the fact that similarly situated co-accused Pala Singh @ Pali has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.01.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No