

N.C. No.2023:PHHC:109566

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

210

**CRM-M-17583-2023 (O&M)
Date of decision: 22.08.2023**

Rahul

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

RAJBIR SEHRAWAT. J. (Oral)

1. 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.137 dated 19.09.2022 registered under Section 18 of the NDPS Act at Police Station Division No.2, District Jalandhar.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is false and concocted. The petitioner is not involved in the crime as alleged against him. For the purpose of connecting the petitioner to the crime, the police have fabricated the alleged recovery of 2 kg and 650 gams of opium. Even, the said weight was done by the alleged Recovering Officer along with the carry bag so as to make the quantity commercial. There is no other case pending against the petitioner. The petitioner is in custody since 19.09.2022. The petitioner is not required for any investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG Punjab accepts notice on behalf of respondent-State and files custody certificate of the petitioner, which is taken on record. Learned State Counsel, on instructions from the concerned police official, submits that the recovery from the petitioner is commercial quantity. Therefore, it

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cannot be said that the petitioner has not committed any offence. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed by learned State counsel that there is no other case against the petitioner under the NDPS Act and that the petitioner is in custody since 19.09.2022.

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

(RAJBIR SEHRAWAT)
JUDGE

22.08.2023
S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No