

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

**Crl. Misc. No. M-1052 of 2015
Date of decision: 23.01.2015**

Sukhwinder Singh @ Bunt

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.N. Ganeriwala, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RITU BAHRI, J.

This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R No. 104 dated 11.06.2014, under Sections 21/61/85 of Narcotic Drugs & Psychotropic Substances Act, registered at Police Station, Bawa Khel, Jalandhar.

As per allegation in the FIR, 130 grams of heroin was recovered from the petitioner at the spot. Challan in this case was presented on 25.08.2014 within 60 days, but without the report of Forensic Science Laboratory.

At this stage, reference can be made to an order passed by this Court in **Ram Kishan Vs. State of Punjab**, CRM-M-33931 of 2014, decided on 13.10.2014 (Annexure P-2), wherein it was held that in the absence of report of Chemical Examiner, the trial Court cannot proceed with the trial and the petitioner cannot be detained in custody.

Recovery from the petitioner, in this case, is 130 grams of

heroin, which falls in the category of *non commercial* quantity.

In these circumstances, this court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

(RITU BAHRI)
JUDGE

23.01.2015
ajp