

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 2614 of 2015 (O&M)

Date of decision : January 30, 2015

Raman Kumar @ Ramna,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Raman Goklaney, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.86, dated 23.7.2014, registered under Sections 22/61/85 of the NDPS Act, at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner has argued that the petitioner has now been in custody since 23.7.2014 and even till date the CFSL report has not come and, therefore, it cannot be even ascertained that the alleged recovery of 200 grams is of what substance and whether it is commercial or non-commercial quantity.

Counsel for the respondent, on instructions from ASI Baljinder

Singh states that the CFSL report was sent by the office of the Chemical

Examiner, Punjab, Kharar on 27.11.2014, as per which the recovery from the petitioner is 200 grams intoxicating powder which contained Diphenoxylate Hydrochloride, and is commercial quantity.

Counsel for the petitioner has argued that even though the CFSL report may dis-entitle the petitioner from claiming bail but there is no explanation as to why the report was not presented before the trial Court on 23.12.2014, and consequently the matter needs to be probed.

I asked counsel for the respondent why the report was not presented before the Court, if it was available with the prosecution. She says that the IO does not know about the same, and prays for a short adjournment to file an affidavit of SP Abohar.

In view of the recovery, no ground to grant bail to the petitioner is made out at this stage. Consequently, this petition is dismissed.

The respondent is directed to file an affidavit of the Superintendent of Police, Abohar as to why report was not produced before the Court on 23.12.2014 despite the fact that the same was available with the prosecution. For this purpose, the matter is adjourned to 23.2.2015.

(AJAY TEWARI)
JUDGE

January 30, 2015
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