

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM no.M-7944 of 2015 (O&M)

Date of Decision : 17.03.2015

Nirmal Singh @ Janta

....Petitioner

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

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?

Present : Mr. Veneet Sharma, Advocate for the petitioner

Mr.P.J.S.Hundal,AAG, Punjab

MAHESH GROVER, J.

The petitioner impugns Annexure P-2 on the ground that he was not given any opportunity before his interim bail was cancelled. It may be noticed that the petitioner was involved in an offence registered under Section 22 of NDPS Act for having in his possession intoxicating material. The interim bail was granted solely on the ground that the report of the chemical examiner was not received for an inordinately long period.

During the course of trial the report was received indicating the presence of Diphenoxylate upto 270 grams which is a commercial quantity. The order of cancellation of the interim bail was passed in the presence of the counsel of the accused as also the accused himself. Being in Court they had every opportunity to state their case.

Prima facie since the report of the chemical examiner indicated the presence of Diphenoxylate and a commercial quantity, the Court below

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was right in cancelling the interim bail of the petitioner which was granted solely on account of unavailability of the Analysts report. The plea of the petitioner that notice was not sent would be inconsequential considering his presence with his counsel.

No ground to interfere is made out.

Hence, dismissed.

March 17, 2015
rekha

(MAHESH GROVER)
JUDGE