

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

CRM-M-9780-2015 (O&M)

Date of Decision: September 03, 2015

Davinder Singh @ Rinka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

1. *Whether Reporters of local papers 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?*

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition filed under Section 439 Cr.P.C., is for grant of bail to the petitioner-Davinder Singh @ Rinka, who has been booked for having committed the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 in the case arising out of FIR No.20, dated 20.01.2014, registered at Police Station Cantonment, District Amritsar.

Learned counsel for the petitioner contends that during their depositions before learned trial Court, PW-3 Head Constable

Jagjit Singh and PW-4 Inspector Gurbinder Singh had suffered contradictory statements; Head Constable Jagjit Singh (PW-3) deposed that the sample was handed over to him on 10.02.2014 while the same was deposited with the Forensic Science Laboratory on 21.04.2014. Inspector Gurbinder Singh (PW-4) deposed that the third sample was handed over to Head Constable Jagjit Singh on 21.04.2014 which creates doubt on the veracity of the prosecution case.

On the other hand, learned counsel for the State, on instructions from Head Constable Nishan Singh, Police Station, Cantonment, District Amrtisar, submits that the prosecution has already examined its all witnesses and the case before learned trial Court is fixed for recording of statement of petitioner. Therefore, the trial is likely to be concluded in near future. He further submits that the circumstances under which the third sample was handed over to Head Constable-Jagjit Singh on 21.04.2014, have been explained in the affidavit filed by the Deepak Hilori, IPS, Assistant Commissioner of Police, West, Amritsar City on 27.05.2015.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The bail petition of the petitioner was dismissed by learned trial Court on 20.02.2015. The present petition has been

filed challenging the order dated 20.02.2015, whereby the petitioner was taken into custody after filing of the report of the chemical examiner. Thereafter, prosecution witnesses have been examined.

Learned counsel for the petitioner has not filed the application before learned trial Court on the grounds, which are being raised before this Court. If there were few new circumstances, then those issues might be raised before learned trial Court at the first instance. Even otherwise, the prosecution has already completed its case and the case before learned trial Court is fixed for recording of the statement of the petitioner-accused.

No ground for bail is made out.

Dismissed.

September 03, 2015
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(NARESH KUMAR SANGHI)
JUDGE