

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

CRM-M No.15538 of 2016

Date of decision: August 02, 2016

Shinder Pal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Sidamkeet Singh Sandhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 439 of Code of Criminal Procedure, preferred by Shinder Pal, seeking regular bail in case FIR No.90 dated 21.07.2015, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Barnala, Barnala.

The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in this case by the police by concocting a false story and by calling him in police station and further that nothing incriminating article was recovered from his possession. Further contention of learned counsel for the petitioner is that as per the case of the prosecution, 70 wrappers containing intoxicant tablets and each wrapper containing 80 tablets each having writing alprazolam and batch No.TSLT-1002 were recovered from the possession of the petitioner but as per the report of Forensic Science Laboratory, Punjab, a parcel was found containing 80 tablets of peach colour in strip labelled as

'TENSIWIN-0.50' which is of the fact that what was allegedly recovered from the petitioner was not sent for chemical analysis to Forensic Science Laboratory which creates a doubt with regard to the tablets with the label 'alprazolam'. In such circumstances, even if the recovery is alleged to be commercial one, the petitioner deserves the concession of bail.

Taking into consideration all the above-said aspects of the case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds at the satisfaction of the concerned trial Court/Duty Magistrate. However, it is made clear that passing of this order shall have no binding effect on the merits of the main case.

August 02, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No