

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

**(217)**

**CRM-M-33140-2016**

**Decided on: October 19, 2016.**

**Partap Singh alias Marhu**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

**M.M.S. BEDI, J (ORAL)**

Petitioner is alleged to have been found in possession of 100 grams of intoxicant powder containing diphenoxylate hydrochloride, He was arrested on 26.01.2015. On account of report of Forensic Science Laboratory having not been received, he was granted interim bail on 10.04.2015. The interim bail was cancelled on 16.05.2016 as report of Forensic Science Laboratory revealed that the sample contained diphenoxylate hydrochloride. The quantity being commercial one, the regular bail was declined to the petitioner.

The petitioner has been in custody w.e.f. 16.05.2016. Recovery effected from the petitioner is prima facie commercial quantity as prescribed under the Act.

Learned counsel for the petitioner has vehemently contended that there are glaring technical and legal errors in the investigation which would entitle the petitioner for acquittal.

After considering all the facts and circumstances of the case, I am of the opinion that it will not be appropriate at this stage to enter into the niceties of the trial and to give a decision regarding the competence of an Assistant Sub Inspector of Police who in context to his authority could be an investigating officer as per provisions of Section 42 and 67 of the NDPS Act.

The petition is dismissed. However, a direction is issued to the trial Court to conclude the trial within a period of six months after the next date of hearing. In case, the trial is not concluded within the period of six months, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

Dismissal of the petition will not prejudice any other rights of the petitioner during course of trial. All the pleas taken up in this petition would be available to him to seek any benefit in accordance with law.

**(M.M.S. BEDI)**  
**JUDGE**

**October 19, 2016**  
*harsha*

Whether speaking/reasoned:  
Whether Reportable:

Yes/No  
Yes/No