

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

227

**CRM-M-4349-2016
Date of Decision: March 14, 2016**

SHABH SINGH @ SABA @ SAHIB SINGHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

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

Present: Mr.B.S.Bhalla, Advocate for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

M.M.S.BEDI, J.(Oral)

Petitioner has been in custody w.e.f. 29.5.2015 for having been found in possession of 300 grams of heroin which is marginally higher than the commercial quantity. Challan has been presented after the period of extension granted under Section 36-A(4) of the NDPS Act. A perusal of the police file indicates that recovery memo and personal search memo in the present case are pre-printed documents which were filled in, allegedly on the spot. The authenticity of the above said pre-printed documents will certainly be a debatable issue.

On instructions from ASI Paramjit Singh, State counsel informs that similar documents are generally used during the course of investigation.

I have considered the said contention and I am of the view that it will be a controversial point to be determined during trial as to how the investigating agency before effecting the recovery knew that the contraband would be thrown away in plastic envelope.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial court.

**March 14, 2016
TSG**

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