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

**CRM-M No. 10396 of 2017
Date of Decision: 01.05.2017**

Sukhjinder Singh @ Jinder

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 72 dated 19.05.2016, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short N.D.P.S. Act), at Police Station Baghapurana.

25 strips of Triesr Tramadol and 25 vials of Corex were allegedly recovered from the petitioner.

Learned counsel for the petitioner submits that Triesr

Tramadol does not fall under the Schedule of the N.D.P.S. Act.

25 vials of Corex allegedly recovered from the petitioner were not subjected to bulk sampling, inasmuch as, there was no similar batch number on each of the vial. Only one vial was sent for chemical analysis.

By referring to **Gaunter Edwin Kircher vs State Of Goa, Secretariat, Panaji, Goa, 1993 AIR (S.C.) 1456**, learned counsel for the petitioner submitted that entire bulk or the sufficient quantity should have been sent for chemical analysis.

Learned counsel for the petitioner also relied upon **State of Punjab Vs. Dharam Singh, 2010 (3) R.C.R. (Criminal) 94 (D.B.)**.

Learned State counsel on instructions from A.S.I. Vakil Singh submitted that the charges have been framed, but none of the prosecution witness has been examined so far.

At this stage, without commenting upon merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the

trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 01, 2017.

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No