

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

**Criminal Misc.No.M-12946 of 2017 (O&M)
Date of Decision : 26th May, 2017**

Bikram Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Deepak Malhotra, Advocate
for the petitioner.

Mr. Rajesh Mehta, learned Addl. Advocate General, Punjab

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner inter alia submits that even the sample which were drawn by the Magistrate from the contraband stated to have been recovered from the petitioner was not sent for sampling to the Forensic Science Laboratory and it was the sample which was stated to have been drawn by the arresting officer, that was sent. He further contends that there would thus be a violation of Section 52(A) of the NDPS Act, 1985 read with the directions of the Supreme Court in **Union of India Vs. Mohanlal and another**, 2016(1) RCR (Crl.) 858.

Learned State counsel, on instructions, does not dispute the factual position.

Consequently, without making any comment on the merits of the case, the instant petition stands allowed. The petitioner shall be

admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court, further subject to any condition that would be laid down by that Court.

However, it is made clear that nothing observed will be taken to be a comment on the merits of the case, which would be gone into by the trial court after appraisal of the evidence led before it.

(AMOL RATTAN SINGH)
JUDGE

26th May, 2017

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No