

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.15582 of 2017
Date of decision : 09.05.2017

Jaspreet Singh alias Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. AMOL RATTAN SINGH

Present: Mr. Randeep Singh Rana, Advocate, for the petitioner.

Mr. Rajesh Mehta, Additional Advocate General, Punjab.

AMOL RATTAN SINGH J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No.80 dated 05.04.2016, registered at Police Station City Rajpura, District Patiala, for the alleged commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner is alleged to have been apprehended with 20 bottles of Corex but only two bottles were sent for chemical analysis and as such, there would be a violation of the ratio of judgment passed by the Supreme Court in **Gaunter Edwin Kircher Vs. State of Goa**, 1993 SCC (Criminal), 803. He further relies upon a judgment of a Coordinate Bench passed in **Ravinder Kumar @ Sonu Vs. State of Punjab** (CRM-M-30074-2015), decided on 10.08.2016, in support of the above contention.

The factual position has not been denied by learned State counsel. It having been held in Gaunter Edwin Kircher's case (supra), (even though that was pertaining to small quantity), that each packet as has been

seized, must be sent for analysis to determine as to whether each of the contained contraband as alleged, and the petitioner in this case already having been in custody for one year, with only one witness out of 09 prosecution witnesses examined so far, without making any comment on the merits of the case, I deem it appropriate to admit the petitioner to bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

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

09.05.2017
adhikari/rajneesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*