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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 15790 of 2017
Date of Decision: 23.05.2017

Kulwinder Kumar @ Rinku

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.R. Rana-I, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing F.I.R. No. 79, dated 05.04.2016, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act), at Police Station Rajpura City.

20 bottles of Corex were allegedly recovered from the petitioner. On analysis, contents of the bottle were found to be containing Codeine Phosphate. Only one bottle was subjected to chemical analysis, being a representative sample.

Learned counsel for the petitioner relied upon Gaunter Edwin Kircher vs State of Goa, Secretariat, Panaji, Goa 1993 AIR (SC) 1456 and State of Punjab versus Dharam Singh, 2010 (3) R.C.R. (Criminal) 94 (D.B.) to contend that the entire bulk has to be sent for chemical analysis. In the absence of any make/marka on all the bottles, allegedly recovery from the petitioner, sending of one bottle for analysis would not cover the complicity of the petitioner *viz-a-viz* the total recovery allegedly effected by the prosecution.

At this stage, without adverting to the 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/ Duty Magistrate.

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

May 23, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No