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

CRM-M-21998 of 2017

Date of decision: July 24, 2017

Manpreet Singh @ Patwari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.128 dated 25.07.2015, under Sections 22, 61, 85 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act'), registered at Police Station Daba, District Ludhiana.

Admittedly, the petitioner was granted regular interim bail vide order dated 14.09.2015 by Judge Special Court, Ludhiana and was thus, on bail. The quantity of the contraband is 100 grams of intoxicant powder. There is no other case reported against the petitioner as stated by learned State counsel, on instructions from Head Constable Jarnail Singh. It is strange to note that since May 2015, there is no report from the chemical analyzer by the prosecution. But then, for the fault of the prosecution in not getting the said report, the petitioner cannot be detained as an under trial *ad infinitum* particularly,

because, there is no other case against the petitioner under the NDPS Act.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall file undertaking before the trial Court that he will not indulge in similar or any other kind of offence in future. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 24, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No