

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

CRM No. M-8650 of 2017 (O&M)

Date of Decision: 21.03.2017.

Deepak Kumar Gupta @ Deepu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.S. Madaan, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.93 dated 27.04.2014, registered under Section 22 of NDPS Act at Police Station Sarabha Nagar, District Ludhiana.

It is contended that the petitioner has been falsely implicated in the present FIR. It is further contended that there is delay of eight months in filling up the CFSL form. It is further submitted that the colour of the powder at the time of sampling was white whereas, the colour of powder which was examined by the CFSL was blue as is clear from the CFSL report, Annexure P-3.

Heard.

On the other hand, the learned State counsel opposes the bail application and submits that the petitioner is a habitual

offender. He is involved in two more FIRs, one under the NDPS Act and another under the IPC.

Heard.

It is to be noticed that the plea of delay in sending the samples to the CFSL and change in colour of powder shall be determined by the trial Court after conclusion of trial which is near completion as informed by the learned State counsel as out of 13 prosecution witnesses, five have been given up by the prosecution, four have been examined and two PWs have been summoned for 24.03.2017. Taking into consideration the antecedents of the petitioner, no case for grant of bail is made out. Consequently, the petition is dismissed.

21.03.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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