

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

**CRM-M-8864 of 2017**  
**Date of Decision: 22.03.2017**

Hardeep Singh

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. P.S. Sekhon, Advocate  
for the petitioner.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.57 dated 09.10.2016 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sandaur, District Sangrur.

Heard.

Notice of motion.

On asking of the Court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for the petitioner submits that as per prosecution version, 11 bottles of Corex syrup, out of which 4 bottles were without complete labels and 7 bottles were with labels, having all the description about contents of liquid in bottles and company, which manufactured it, was recovered from the petitioner. All these bottles were

sealed at the spot. The sealed parcels were produced before the Magistrate, who took out 2 bottles as sample, out of which one was sent to the Chemical Examiner and as per report of Chemical Examiner, that bottle was found containing Chlorpheniramine Maleate and Codeine Phosphate. He further submits that recovery of two lots of bottles was allegedly effected from the petitioner and samples were not taken from both the lots. Even in the final report prepared by the police, there is no mention that separate samples from both the lots i.e. one from bottles not having labels and one from bottles having labels, were taken. Even if sample was taken from 4 bottles or 7 bottles, the recovery falls within non-commercial quantity.

Learned State counsel on perusal of entire file brought by the investigating officer submits that there is nothing in file to show that sample from 4 bottles, which were not having any label, was sent to Chemical Examiner or any sample was withdrawn separately from both the lots.

In view of above but without expressing any opinion on merits of the case and taking note of the fact that petitioner has been arrested on 09.10.2016 and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Hardeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel

his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

March 22, 2017  
jk

( SURINDER GUPTA )  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No