

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

(234)

CRM-M No.18976 of 2018

Date of Decision: November 15, 2018

Karam Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Mohit Garg, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner- Karam Singh in case FIR No.205 dated 12.10.2017 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'NDPS Act') registered at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. Out of total recovery of 2050 tablets, only 10 tablets were sent for chemical examination and the tablets alleged to have been recovered from the petitioner were without any batch mark. Learned counsel further submits that as per FSL report, average weight of tablets came out to be 76 Mg per tablet and in the absence of any batch mark, total weight of the contraband cannot be considered, as held by this Court in CRM-M No.13812 of 2018 titled as Tejinder Singh @ Prince Vs. State of Punjab, decided on 17.04.2018. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence

the witnesses. No other case of NDPS Act is there against the petitioner. He is in custody since 12.10.2017.

Learned counsel for respondent-State has not disputed the custody period undergone by the petitioner as well as sending of 10 tablets for chemical examination.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that only 10 tablets out of huge recovery of 2050 tablets were sent for chemical examination; there was no batch mark on the tablets; petitioner is in custody since the date of his arrest i.e. 12.10.2017; all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses and that same view was taken in case titled as Tejinder Singh @ Prince Vs. State of Punjab CRM-M No.13812 of 2018 decided on 17.04.2018, the present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

November 15, 2018
harsha

(DAYA CHAUDHARY)
JUDGE

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