

214/2
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 16.11.2018

(1) CRM-M-44782-2018

Buta Singh

..... **Petitioner**

Versus

State of Punjab

..... **Respondent**

(2) CRM-M-44815-2018

Ravinder Singh @ Ravi

..... **Petitioner**

Versus

State of Punjab

..... **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr.R.P.Dhir, Advocate for the petitioner
in both the petitions.

Mr. Karanbir Singh, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This order shall dispose of above mentioned two petitions bearing No. **CRM-M-44782-2018**, titled as **Buta Singh Versus State of Punjab** and **CRM-M-44815-2018** titled as **Ravinder Singh @ Ravi Versus State of Punjab**. For brevity, the facts are being taken from CRM-M-44782-2018.

Heard.

The aforesaid petitions have been filed under Section 439 Cr. PC for grant of regular bail to the petitioner(s) in case FIR No. 93 dated 11.6.2017 under Section 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985 registered at Police Station Division No. 2, Pathankot, District Pathankot.

Learned counsel for the petitioner, inter alia, contends that two bags of poppy husk weighing 40 kg and 39 kg were recovered. Only one sample was sent. Now during the trial, prosecution has moved an application for sending the second sample for examination which is fixed for reply.

Learned counsel for the petitioner contends that one witness i.e. investigating Officer, ASI, Balwinder Kumar has been examined and some discrepancies in the statement have been pointed out.

I am of the view that so far as the discrepancies are concerned, merely from the statement of one witness, this Court cannot come to the conclusion that prosecution case is not proved. Secondly, regarding the second sample matter is still pending before the trial Court.

Let the trial Court first take the decision on merits and after the result of the said application, petitioner will have the right to file another application for grant of bail. However, at this stage, there is no ground to grant bail as the recovery is commercial.

Dismissed.

(KULDIP SINGH)
JUDGE

16.11.2018

preeti

Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No