

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-15980 of 2019(O&M)
Date of Decision: 11.07.2019

Kishan Kumar @ Tinka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner relies upon a judgment of a Division Bench of this Court in **State of Punjab v. Dharam Singh** (passed in CRA-556-DB of 1999, decided on 06.01.2010), to submit that when loose tablets are stated to have been recovered from an accused, all tablets are to be sent for analysis to the Forensic Science Laboratory.

Learned State counsel, though has tried, has not been able to distinguish the ratio of the aforesaid judgment.

Keeping in view of the aforesaid, as also the fact that the petitioner has been in custody for almost 8 months, with only 2 witnesses

out of 9 examined, without making any comment on the actual merit of the case, for or against the petitioner, I deem it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

It also needs to be mentioned here that there are no other criminal cases shown to be registered against the petitioner, as per the custody certificate filed in Court today by the learned State counsel.

11.07.2019
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no