

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.24414 of 2018

Date of decision : 07.01.2019

Parminder Singh alias Pindi

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.37 dated 01.03.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short - 'NDPS Act') registered at Police Station – Sangat, Distt. Bathinda, during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information but it was not reduced into writing. No special report was sent to the higher officers. Learned counsel further submits that the samples were not sent from the whole recovery alleged to be effected from the petitioner and the mandatory provisions of the NDPS Act have not been followed. Learned counsel also submits that the petitioner is in custody since 01.03.2018 and he is not involved in any

other case under NDPS Act. All the prosecution witnesses are official except one who is shown to be present at the time of recovery and there is no possibility that the petitioner may influence them or tamper with the evidence. No purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as the fact that no other case is there against him. However, she submits that the samples were sent by showing the batch number, but the same has not been reflected in the FSL report.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and also perused the contents of the FIR as well as FSL report, which has been shown by learned counsel for the petitioner. No batch number is mentioned in the FSL report.

By considering the period of custody undergone by the petitioner *i.e.* more than 10 months and also the fact that there is no other case of NDPS Act against him; trial may take some time and no purpose would be served by keeping him in custody, accordingly the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

07.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No