

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21135-2019

Date of decision: 28.05.2019

Paramjeet Singh @ Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.44 dated 11.03.2019 under Section 22 of NDPS Act, registered at Police Station Sirhind, District Fatehgarh Sahib.

On 14.05.2019, following order was passed: -

“During the course of arguments, it transpired that neither in the recovery memo nor in the FIR, the weight of the tablets is mentioned. The FIR was registered on 11.03.2019 and the police, thereafter, on 23.04.2019, obtained a report from the Drug Control Officer, Fatehgarh Sahib that as per the product available in the market, tablet Buprex-N is containing the salt of Buprenorphine hydrochloride 2 mg per tablet and Neurophine hydrochloride 5 mg. However, it is surprising that the prosecution is relying upon the report of Drug Control Officer without

ascertaining the actual weight of the tablets recovered from the petitioner and without mentioning the same in the recovery memo.

List again on 28.05.2019.

The Director of Bureau, Punjab is directed to verify this fact and file an affidavit on the date fixed.

In the meantime, petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Affidavit of Director, Bureau of Investigation, Punjab filed in the Court today, is taken on record. It is stated in para No.11 of this affidavit that the weighment should be carried out by the concerned Investigating Officer, at the first instance, when the inventory was prepared and produced before the Additional Chief Judicial Magistrate, Fatehgarh Sahib for certification, however, on an application moved by the prosecution, subsequently, the Judge, Special Court has corrected the same.

Be whatsoever, it will be a debatable issue whether the correct procedure has been followed or not.

Accordingly, the present petition is disposed of and the order dated 14.05.2019 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

28.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No