

AT CHANDIGARH

CRM-M-12944-2020

Date of Decision:13.08.2020

Jagjiwan Singh @ Joga

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Suresh Kumar Arya, Advocate,
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order dated July 06, 2020, though learned counsel for the petitioner has relied upon the judgment in “**Kulwant Singh @ Happy vs. State of Punjab**”, 2016 (1) PLJ (Criminal) 159, to submit that where there are strips of tablets that are recovered from the accused (as per the investigating agency) all the strips of the tablets have to be sent for forensic analysis and not just a few strips, however, Mr.Banka, learned DAG, Punjab, points to the judgment of a Division Bench in “**State of Punjab vs. Dharam Singh**”, 2010 (3) RCR (Criminal) 94, to submit that the ratio of that judgment is that its only where there are loose tablets recovered, all tablets are to be sent and not all tablets which are in strips showing the batch number etc. on them.

Whereas I agree with learned State counsel and in any case the ratio of the Division Bench judgment would overrule any judgment of a co-ordinate bench stating to the contrary, however learned State counsel does not deny that the petitioner has been in custody for slightly over 8 months now and that there is no other criminal case registered against him.

Consequently, with even the charge still to be framed by the trial court, in the circumstances of the current pandemic, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate, concerned.

August 13, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO