

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-13600 of 2020
Date of Decision: 17.06.2020

Varinder Singh @ Nannu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Krishan Kumar Thakur, Advocate,
for the petitioner.

Mr. H.S.Sullar, D.A.G., 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.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.173, dated 20.07.2019, having been registered against him, alleging therein the commission of an offence punishable under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on).

Learned counsel for the petitioner reiterates what he had argued on the last date of hearing (though not recorded in that order, as learned State counsel sought time to argue the matter), to the effect that though the recovery from the petitioner is alleged to have been made on July 20, 2019, the sample of the contraband was only sent to the Forensic Science Laboratory on November 15, 2019.

Mr. Sullar, learned DAG, Punjab, submits that that happened because of the fact that there was a discrepancy in the name of the petitioner as registered in the FIR and in the order of the learned Magistrate passed under Section 52-A of the NDPS Act, 1985.

He submits that consequently, to get the order corrected, eventually a revision had to be filed before the learned Sessions Judge, which was allowed, after which the sample was sent.

Learned counsel for the petitioner submits that in any case there is no other criminal case registered against the petitioner and as regards the allegation of recovery of contraband, even if that is taken at face value (though the petitioner does not admit it), it is only marginally above the threshold of commercial quantity, with the petitioner being in custody now for 11 months.

Having considered the above, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

June 17, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No