

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

**CRM-M-14058-2020 (O&M)**

**Date of decision: 25.06.2020**

**Rajesh Kumar @ Kechh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Amit Arora, Advocate  
for the petitioner.

Mr. R. S. Thind, DAG, Punjab.

(Through Video Conferencing)

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 97 dated 03.07.2018, registered under Sections 21 and 22 of the NDPS Act, 1985 at Police Station Division E, District Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was apprehended by the Investigating Officer on suspicion and 2886 loose tablets of orange colour were recovered. It is further submitted that out of the recovered tablets, only 10 tablets were sent to FSL for chemical examination which were found to be containing *Alprazolam* salt.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 03.07.2018 and out of total nine prosecution witnesses, only three witnesses have been examined so far and due to existing condition regarding outbreak of COVID-19, the trial is likely

to take a long time.

Learned counsel for the petitioner has relied upon the judgment of a Division Bench of this Court rendered in ***State of Punjab vs. Dharam Singh, 2010 (3) RCR (Criminal) 94*** to contend that where only a small sample from amongst the loose tablets/capsules is sent for chemical examination, it is not possible to presume that all of them contained the same salt.

Learned State counsel has not disputed the factual position, however, submitted that the petitioner is convicted in one more case.

Be whatsoever, without commenting anything on the merits of the case, after hearing learned counsel for the parties and considering the fact that petitioner is in judicial custody since 03.07.2018 and also in view of the judgment in ***Dharam Singh's*** case (supra), the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

25.06.2020

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*