

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

**CRM-M No.19104 of 2019
Date of Decision : 03.02.2020**

Love @ Jasbir

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rishu Mahajan, Advocate
for the Petitioner.

Mr. Sukhbir Singh, Asstt. Advocate General, Punjab
for the Respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking Regular Bail in case FIR No.106, dated 31st May, 2014, registered under Section 22 of the NDPS Act, 1985 at Police Station C Division District Amritsar.

2. The Petitioner was originally granted interim bail on 31st May, 2014.

3. Subsequently, the Chemical Examiner's Report was received on 7th July, 2015. But the Challan was presented after a further delay exceeding 3½ years on 17th January, 2019, on which date the Petitioner himself appeared to face the charges which were framed.

4. Admittedly, the recovery in this case is in excess of commercial quantity but there are certain exceptional aspects to this case.

5. The Challan was presented almost five years after the Petitioner was initially apprehended. More importantly, the Chemical Examiner's Report (Annexure R-4) goes on to reveal an endorsement that the parcel containing the sample did not bear any Seal of the Magistrate. It is also undisputed from the reply filed on behalf of the State that the contraband was not kept in the Judicial *Malkhana*.

5. After submission of the Challan, the Petitioner presented himself before the Ld. Trial Court and there was apparently no attempt on his part to jump bail.

6. He is also not involved in any other case under the NDPS Act.

7. For the aforesaid reasons, the present Petition is allowed and the Petitioner, namely, Love @ Jasbir Singh is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court concerned.

February 03, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No