

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-A-2624-2019
Date of Decision : 15.1.2020

State of Punjab

..... Appellant

Versus

Sukhwinder Singh @ Sukha

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr. Sandeep Vermani, Addl. A.G, Punjab
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

1. This appeal has been filed against the acquittal of the respondent under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the Act) in FIR No.62 dated 28.9.2015 registered at Police Station Jhander, Amritsar.

2. Apart from other facts, one important reason which made to the Court for acquitting the respondent is that there is delay of seventeen days in sending the sample to the office of Chemical examiner whereas there is statutory direction given by the Narcotics Control Bureau that sample after recovery of narcotics should be sent within three days to the lab and this delay is unexplained.

3. We find this is a good reason to decline the leave to appeal. Having been taken through the judgment by the learned Additional Advocate General, we are not persuaded that the judgment of the trial Court

is vitiated or that, in view of the infirmity pointed out in the judgment the prosecution has in fact been able to bring home the charge beyond reasonable doubt.

4. In the circumstances, we do not find any ground to grant leave to file appeal. Therefore, finding no merit in criminal miscellaneous application seeking leave to appeal, the same is dismissed.

5. Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

15.1.2020
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No