

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32926-2019 (O&M)
Date of Decision:-17.1.2020

Dharamdeep Singh @ Gori

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Sharma, Advocate for
Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Mohan Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.193 dated 14.8.2018 at Police Station Kalanwali, District Sirsa under Section 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per case of the prosecution, the petitioner was found in possession of 60 strips of 'Tramadol' (each strip containing 10 tablets). In other words, he was found in possession of 600 tablets of 'Tramadol'. As per the FIR, each of the strip containing 10 tablets was found to weigh 8.90 grams.
3. A perusal of order dated 15.8.2018 passed by learned Judicial Magistrate 1st Class, Dabwali, when the case property was produced before the learned Magistrate for certification of inventory, would show that it has been mentioned therein that the total weight of the recovered tablets comes out to

520 grams. However, as per report of Forensic Science Laboratory, which has been shown by learned State counsel today in Court, it has been reported that the weight of 10 tablets of 'Tramadol' was 15 grams. In other words, 60 strips of 'Tramadol' (containing 600 tablets) as per report of FSL would weigh 900 grams. The aforesaid disparity in the weighment would leave much to be explained on part of prosecution particularly in a case where entire case of prosecution is based on factum of recovery of contraband.

4. The learned State counsel has informed that the petitioner has been behind bars since the last more than 1 year and 5 months and that till date only 3 out of the cited 14 PWs have been examined. The learned State counsel, upon instructions from SI Mohan Singh, who is present in Court, has informed that the petitioner is not stated to be involved in any other case under NDPS Act.
5. Having regard to the facts and circumstances especially the fact that the petitioner has been behind bars since the last more than 1 year and 5 months and the trial is likely to take some time for its conclusion, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

17.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No