

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-2498-2021 (O & M)
Date of Decision: October 14, 2021

MUKHA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.84 dated 17.10.2019, under Section 22 of the NDPS Act (Section 29/61 of the NDPS Act added later on), registered at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner, *inter alia*, contends that the alleged recovery, which was effected from the petitioner, is of Clovidol 100 SR tablets, having batch No.TVD-19271. He has referred to the recovery memo at Annexure P-2. However, there is no FSL report with regard to this batch number as is evident from the perusal of the FSL report at Annexure P-4 wherein tablets in batch numbers TVD-19279 and TVD-19276 had been examined. The petitioner is in custody for over 01 year and is not involved in any other case under the NDPS Act.

Learned State counsel while referring to the status report by way of affidavit of Deputy Superintendent of Police, Sub Division Zira, District

Ferozepur states that the report of the FSL dated 27.02.2020 was received. He contends that case property was properly sealed and the Batch No.TVD-19271 was mentioned. The FSL report dated 27.02.2020 was received by the police in which the batch number was mentioned as TVD-19279 but actually the batch number is 19271 which is also mentioned in the order passed by the JMIC at the time of sampling. The number 19279 has been inadvertently mentioned in the report. He has filed the custody certificate which indicates that the petitioner is in custody for 01 year and 08 days. He upon instructions from ASI Sudesh Kumar states that although the challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 01 year, he is not involved in any other case under the NDPS Act, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No