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

CRM-M-9876-2021

Date of decision : 08.03.2021

Surjeet Singh @ Seeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.52 dated 21.07.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Khemkaran, District Tarn Taran.

As per the allegations, 755 intoxicant tablets/capsules were allegedly recovered from the petitioner. At one point of

time, the petitioner was granted interim bail till the receipt of FSL report. After the receipt of FSL report, the petitioner has surrendered.

As per FSL report, only 10 loose unlabelled tablets were sent for analysis. The average weight of one tablet/capsule was 598 Mg.

Learned counsel for the petitioner places reliances upon **Gaunter Edwin Kircher Vs. State of Goa, Secretariat Panji, Goa, 1993 AIR (SC) 1456** and **State of Punjab Vs. Dharam Singh, 2010(3) RCR (Criminal) 94 (DB)**, to contend that the entire bulk was to be sent for analysis. In the absence of particulars, like batch number, date of manufacture and expiry etc., it would be debatable as to the exact quantity of the contraband allegedly recovered from the petitioner.

Learned counsel for the petitioner also places reliances upon **Javed A. Bhat Vs. Union of India, 2008(1) RCR (Criminal) 57 (Bombay)** and **Laxminarayan Vs. State of Madhya Pradesh (now State of Chhatisgarh), 2011(7) RCR (Criminal) 586**, to contend that sending of only one representative sample for the chemical analysis would not ipso facto give rise to a presumption that entire bulk was containing the contraband.

Learned State Counsel, however, opposed the bail on

the ground that 755 intoxicant capsules were recovered from the petitioner and as per FSL report, the average weight of one tablet/capsule was found to be 598 Mg, therefore, the recovery is of commercial quantity.

In view of the aforesaid position, it would be debatable as to the complicity of the petitioner vis-a-vis total quantity of contraband recovered from the petitioner.

The petitioner is in custody since 21.07.2018. After framing of the charges, no PW has been examined so far.

At this stage, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

08.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No