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

CRM-M No.47774 of 2019

Date of Decision: 18.08.2021

Lala Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., 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.176 dated 04.11.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Chhajli, District Sangrur.

As per prosecution case, 700 tablets of Tramadol Hydrochloride were recovered from the petitioner.

Learned counsel for the petitioner submits that the alleged recovery was effected on 04.11.2018 at 4.45 p.m. but samples were sent for chemical analysis only on 14.11.2018 i.e, after a period of ten days. As per instructions vide Notification

No.1/88 issued by the Narcotics Control Bureau, the contraband after seizure and deposit in the Malkhana or with the SHO is to be sent to the FSL within 72 hours.

Learned counsel for the petitioner also relies upon **'Union of India vs. Bal Mukand and others', 2009(2) R.C.R. (Criminal) 574** and **CRA-S No.1449-SB of 2008 titled 'Satpal vs. State of Haryana'** decided on 06.08.2012 in the aforesaid context.

The aforesaid facts could not be denied by learned State counsel on the basis of any material.

At this stage, it appears that the complicity of the petitioner based on the aforesaid facts would remain debatable. As per custody certificate, the petitioner is not involved in any other case under the NDPS Act.

Learned State counsel states that challan has already been submitted and the next date before the trial Court is 29.08.2021. Out of 13 prosecution witnesses, one prosecution witness has been examined and petitioner is in custody since 04.11.2018.

Looking to the aforesaid facts and in view of the situation arising out due to pandemic COVID-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on 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.

August 18, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No