

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3777-2022
Date of Decision:-17.02.2023

PARVINDER SINGH
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Arshdeep Brar, Advocate
for the petitioner.
Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.89 dated 19.9.2021 registered under Section 22 NDPS Act at Police Station Sadar Nawashahar District SBS Nagar.

The counsel for the petitioner *inter alia* contends that the petitioner is incarcerated since 19.9.2021 and has been falsely implicated in the present case. The counsel for the petitioner further submits that as per recovery memo 20 strips each containing 20 tablets of Buprenorphine and Naloxone Sublingual tablets USP B.No PTN-248 MFC 03/2021 EXP 02/2024 were recovered from the petitioner. The counsel for the petitioner

further submits that however the sample which was sent for analysis to the FSL is silent regarding batch number, manufacturing date and expiry date as is clear from Annexure P-2. The counsel for the petitioner further submits that in this manner, the prosecution has failed to connect report of FSL (Annexure P-2) with the articles which were allegedly recovered vide recovery memo dated 19.9.2021 and thus the prosecution has failed to link the report of FSL with the alleged recovery and consequently the petitioner is entitled to get benefit of regular bail.

The present petition is contested by the State counsel, who has submitted that commercial quantity of medical intoxicants were recovered from the petitioner by the police on 19.9.2021 and since then the petitioner is in custody. The State counsel further submits that there is no ambiguity in the report of FSL and as per said report the concerned sample reached the laboratory in its intact condition and thus there is no question of tampering with the case property. The State counsel further submits that no doubt the petitioner is in custody since 19.9.2021 but is not entitled to grant of bail at this stage when the trial is going on.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing on the record commercial quantity of medical intoxicants were recovered in the present case from the petitioner by the police on 19.9.2021. As per the recovery memo, whose copy is placed on the record, 20 strips each containing 20 tablets of Buprenorphine and Naloxone Sublingual tablets USP B.No PTN-248 MFC 03/2021 EXP 02/2024 , were recovered from the petitioner. However from

the perusal of report of FSL which is also available on the file, it appears that the medical intoxicants which were analyzed by the FSL were not having batch number, manufacturing number and expiry date and are in the form of 2 strips labeled as Qbbrck-Lite, each containing 20 tablets of white color.

In view of the above, the prosecution has *prima-facie* failed to connect the report of FSL dated 28.10.2021 (Annexure P-5) with the medical intoxicants mentioned in recovery memo dated 19.9.2021.

In the light of the above, this Court is of the opinion that the petitioner is entitled to grant of regular bail even in the face of the rigors of Section 37 of NDPS Act.

Consequently, the present petitioner is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

However any observations made hereinabove are not to be construed as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

17.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No