

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13800-2022 (O&M)
Date of Decision:-21.03.2023

VIRSA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Gurvinder Singh Sandhu, 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.155 dated 8.12.2021 registered under Section 22 NDPS Act at Police Station Shambu District Patiala.

As per allegations appearing on the record, police recovered 940 strips each containing 10 tablets of tramadol prolonged-release tablets IP TRAMWEL-SR100 having batch No.PCC-JK-34 date of manufacture 03/2021 expiry dated 02/2023 from the petitioner on 18.12.2021. The petitioner was apprehended at the spot by the police.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. That no such recovery was effected from the petitioner. The counsel for the petitioner further submits that the report of FSL is silent regarding batch number, manufacturing date and expiry date, thus the prosecution has failed to connect the said FSL report dated 21.1.2022 with the medical intoxicants stated to be recovered from the petitioner vide recovery memo dated 8.12.2021. The counsel for the petitioner further submits that the petitioner is in custody since last 1 year and 3 months and is having no criminal history under the NDPS Act. The counsel for the petitioner further submits that the trial is not progressing ahead. So prayer is made that the petitioner be released on regular bail.

The instant petition is resisted by the State counsel, who submits that commercial quantity of medical intoxicants were recovered from the possession of the petitioner by the police on 8.12.2021. The State counsel further submits that two strips each containing 10 tablets were separated as sample and the sealed sample reached the office of FSL in its intact condition and as per the report of FSL Tramadol Hydrochloride was found in the said tablets and the total weight comes under commercial quantity. However, the State counsel has not disputed the fact that the petitioner is in custody since last 1 year 3 months and the trial is at its initial stage.

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

As per the allegations recorded in the FIR the recovered medical intoxicants were having batch No.PCC-JK-34 date of manufacture

03/2021 and expiry dated 02/2023. However the report of FSL is silent about batch number, manufacturing date and expiry date of the medical intoxicant in question, which were stated to be recovered from the petitioner. So it is a debatable issue as to whether the report of FSL dated 21.1.2022 is relating to the medical intoxicants alleged to be recovered from the possession of the petitioner on 8.12.2021 by the police.

Admittedly the petitioner is in custody for the last more than 1 year and 3 months and is not involved in any other case under NDPS Act and the case of the prosecution is at its initial stage as till date only 1 witness has been examined by the prosecution out of total 9 witnesses. It will take considerable time for the trial to conclude. So no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition 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.

21.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No