

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-63112-2023  
Date of Decision: 6.3.2024

Gurlal Singh alias Lali

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Inderjeet Singh Ladher, DAG, Punjab.

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KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.65 dated 7.8.2023 registered for the offences punishable under Sections 21(c)/61/85 of NDPS Act at Police Station Sarai Amant Khan, District Tarn Taran.

2. The allegations in nutshell are that the petitioner and co-accused/Jagtar Singh were apprehended by the police on 7.8.2023 and on the personal search of said Jagtar Singh, the police recovered 500 grams of Heroin but no contraband was recovered from the conscious possession of the petitioner who was driving the motorcycle and co-accused/Jagtar Singh was a pillion rider from whom the aforesaid recovery was effected.

3. Counsel for the petitioner submits that nothing was recovered from conscious possession of the present petitioner who was falsely implicated by the police. It is further contended that even otherwise as per

report of FSL, 500 grams of powdered substance which was recovered from co-accused/Jagtar Singh is also found to be Paracetamol and Caffeine and no narcotic or psychotropic substance was found in the said powder on its analysis by Regional Testing Forensic Science Laboratory, Amritsar. He further submits that the petitioner is in custody for the last more than 6 months and is having no criminal history and prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel. However, State counsel on instructions from ASI Gursahib Singh has not disputed the fact that no incriminating article was recovered from conscious possession of the petitioner at the time of his arrest or thereafter and that 500 grams of powder which was recovered from possession of co-accused Jagtar Singh was also found to be not containing any narcotic and psychotropic substance as per report of FSL dated 29.9.2023 and Paracetamol and Caffeine was found to be present in the said powdered substance. State counsel further apprised the Court that the prosecution has already filed an application before the trial Court for re-testing of the sample from main forensic laboratory of Punjab State at Kharar.

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

6. In view of the fact that no incriminating article was recovered from possession of the petitioner and that as per report of Regional Testing Forensic Science Laboratory, Amritsar, no narcotic or psychotropic substance was found in 500 grams of powder stated to be recovered from conscious possession of co-accused/Jagtar Singh, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

March 6, 2024  
Paritosh Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |