

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-1028 of 2015(O&M)

Date of Decision: 02.3.2015

Sukha

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.K. Vadehra, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case F.I.R. No.99 dated 21.11.2014 under Sections 22, 61, 85 of the N.D.P.S Act. registered at Police Station, Rangar Nangal, District Batala.

Learned counsel for the parties have been heard.

As per prosecution version a recovery of 110 gms of the intoxicant powder was made from the petitioner on 21.11.2014. The petitioner has been in custody since then.

It has gone uncontroverted that the investigating agency has not collected any material to establish that the alleged recovery effected from the petitioner is in respect of some narcotic drug or psychotropic substance as the Forensic Science Laboratory report is still awaited.

Learned State counsel upon instructions from H.C. Nirmal Singh would confirm to the fact that the sample of the contraband recovered from the petitioner was sent for chemical analysis on 22.12.2014 and till date the report has not been received from the F.S.L.

Under such peculiar circumstances, this Court is of the considered view that the petitioner is entitled to the benefit of regular bail on his furnishing appropriate bail bonds to the satisfaction of C.J.M., Gurdaspur.

It is, however, observed that upon the investigating agency obtaining the report from the F.S.L and the material allegedly recovered from the petitioner is found to contain any narcotic drug or psychotropic substance, it would be at liberty to arrest the petitioner. In such situation the petitioner would also be at liberty to move an application seeking regular bail.

Petition, accordingly, is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 02nd, 2015
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