

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

CRM No.M-14612 of 2015 (O&M)

Date of decision:12.05.2015

Kulwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. praying for the benefit of regular bail to the petitioner in case FIR No.159 dated 27.10.2014, under Section 22 of the NDPS Act, registered at Police Station Sarhali, District Tarn Taran.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 200 grams of intoxicating powder was effected from the person of the petitioner.

Learned State counsel upon instructions from ASI Jaswinder Singh, would concede that till date, the FSL report has not been received.

As such, without the FSL report of the chemical examiner, the question as to whether the offence under the NDPS Act is made out or not would still be open.

The petitioner has been in custody since 27.10.2014. He is stated to be not involved in any other criminal proceedings under the NDPS Act.

Under such peculiar circumstances, petitioner is held entitled to the concession of interim bail.

Accordingly, prayer is allowed.

Petitioner, namely, Kulwinder Singh be enlarged on interim bail subject to the satisfaction of trial Court/Duty Magistrate, Tarn Taran.

It is, however, observed that if, upon FSL report being furnished and the alleged recovery made from the petitioner makes out an offence under the NDPS Act, he shall be taken into custody forthwith.

Disposed of.

12.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**