

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

CRM No.M-15151 of 2015 (O&M)

Date of decision: 19.05.2015

Harjinder Singh @ Rajinder Singh @ Pappy ... *Petitioner*

Vs.

State of Punjab ... *Respondent*

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks the benefit of regular bail in case FIR No.270 dated 25.12.2014, under Sections 21/29/61/85 of the NDPS Act and Sections 25/27/54/59 of the Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Counsel for the parties have been heard.

As per prosecution version, secret information was received and in pursuance thereto, the police had intercepted a private vehicle on 25.12.2014 and upon the search thereof, Davinder Singh @ Baba, Rajwinder Singh @ Sonu and Seetal Singh were arrested on the spot and an alleged recovery of 1 kg and 10 grams of intoxicating powder was effected.

The petitioner thereafter has been implicated on the disclosure statement of co-accused and it is alleged that a recovery of 260 grams of intoxicating powder and a country made pistol was made.

The petitioner has been in custody since 07.01.2015.

Learned State counsel upon instructions from ASI Balwinder

Singh would concede that till date report of the Chemical Examiner has not been received.

As such, without the 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.

As per custody certificate, the petitioner is not involved in any other criminal proceedings under the NDPS Act.

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

In taking such view, this Court would draw support from a Division Bench judgment of this Court in **Inderjeet Singh @ Laddi & others Vs. State of Punjab, 2014 (3) RCR (Criminal) 953.**

Petitioner be enlarged on interim bail subject to the satisfaction of the Trial Court/Duty Magistrate, Tarn Taran.

It is, however, observed that if upon the 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.

(TEJINDER SINGH DHINDSA)
JUDGE

19.05.2015
harjeet