

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-22620 of 2015
Date of Decision: 28.10.2015

Rakesh Kumar @ Gabbar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Vivek Slathia, Advocate for
Mr. Vikas Gupta, Advocate
for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.76 dated 14.3.2015 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") registered at Police Station Patti, District Tarn Taran.

As per the prosecution version, 1000 tablets of Microlit have been recovered from the possession of the petitioner. It has

not been disputed that in absence of the FSL report, the police has not submitted the challan, though the Court has extended the time upto 6.12.2015, as without the report of the chemical examiner, the question as to whether the offence is covered under Section 22 of the Act or not, would be ascertained.

Learned counsel for the petitioner has relied upon orders of this Court dated 20.5.2014 in **Jaspal Singh @ Jassi v. State of Punjab CRM-M-16500-2014**, order dated 22.4.2014 in **Ranbir Singh @ Jora v. Stat of Punjab CRM-M-8854-2014**, and order dated 28.8.2015 in **Vijay son of Gandhi v. State of Punjab CRM-M-28480-2015** to contend that when report from the Forensic Science Laboratory is awaited, the petitioner is entitled for interim bail.

Learned State counsel, on instructions from ASI Gurjit Singh, submits that the alleged recovery from the petitioner is commercial in nature and the prosecution has also sought extension from the trial Court.

I have heard the rival contentions of the parties.

Keeping in view the fact that the petitioner is in custody since 14.3.2015 and the report from the Forensic Science Laboratory is still awaited, I deem it appropriate to grant the concession of bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate, Patti.

However, it is made clear that in case the report from the Forensic Science Laboratory is received and from the alleged recovery made from the petitioner, a case under the NDPS Act is made out against the petitioner, the petitioner shall be taken into custody forthwith.

October 28, 2015
AK

(HARI PAL VERMA)
JUDGE