

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

**Criminal Misc. No. M-29347 of 2015
Date of decision: 04.09.2015**

Satpal Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Satpal Singh for grant of regular bail in case FIR No.55 dated 06.06.2015, under Section 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act registered at Police Station Sadar, Abohar Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner has been alleged to be sitting in TATA Safari Car, which was being driven by accused-Jagmail Singh. The alleged recovery is 2 kg opium, which was kept underneath the

seat of the car, is non-commercial and the provisions of Section 37 of NDPS Act are not attracted. The petitioner is in custody since 06.06.2015 and incomplete challan has been presented without having any Chemical Examiner's report. Learned counsel also submits that the charges have not been framed and the same shall be framed after getting FSL report.

Learned State counsel has not disputed the factum of non-receiving the FSL report and filing of incomplete challan.

In view of the submissions made by learned counsel for the petitioner and keeping in the view the fact that the challan has been presented without having any Chemical Examiner's report, which cannot be stated to be complete. In absence of FSL report, it cannot be said as to what was the content in the intoxicant powder, which is stated to be recovered from the petitioner; moreover, the recovery is also non-commercial; and the petitioner is in custody since 06.06.2015, the present petition is allowed and the petitioner (Satpal Singh) is directed to be released on interim bail till receipt of Chemical Examiner's report subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

04.09.2015
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(DAYA CHAUDHARY)
JUDGE