

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

**Criminal Misc. No. M-29561 of 2015
Date of decision: 19.10.2015**

Gurdeep 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. A.S. Sekhon, 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 petitioner-Gurdeep Singh for grant of interim bail till receipt of Chemical Examiner's report in case FIR No.57 dated 28.05.2015 registered under Sections 21/22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner submits that the petitioner was arrested on 28.05.2015 and the Chemical Examiner's

report has not been received so far and in absence thereof, it cannot be ascertained whether the quantity recovered is commercial or non-commercial and whether it is a contraband which would attract the provisions of NDPS Act. Learned counsel has also brought to the notice of this Court orders passed under similar circumstances i.e., **Criminal Misc. No. M-15748 of 2015 titled as Karan Kumar @ Karna vs. State of Punjab, decided on 10.08.2015 and Criminal Misc. No. M-24624 of 2015 titled as Inderjit Singh @ Bulla vs. State of Punjab decided on 05.08.2015.**

Learned State counsel has not disputed the custody period as well as the factum of non-receipt of Chemical Examiner's report but opposes grant of interim bail to the petitioner on the ground that the time specified for conclusion of investigation has not expired and the petitioner can avail the remedy available under Section 167(2) Cr.P.C., in case, the challan is not presented within the specified period.

Admittedly, the Chemical Examiner's report has not been received so far and by relying upon judgment of Division Bench of this Court in **Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR (Criminal) 953**, the petitioner becomes entitled to interim bail till the receipt of Chemical Examiner's report.

Accordingly, the present petition is allowed and the petitioner (Gurdeep 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/Duty Magistrate, Faridkot.

However, it is also made clear that the petitioner shall file an undertaking that on receipt of the Chemical Examiner's report, he will surrender before the same Court and thereafter, will take further steps for grant of fresh bail.

19.10.2015
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(DAYA CHAUDHARY)
JUDGE