

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

CRM-M No.31504 of 2015(O&M)

Date of Decision:-01.12.2015

Kulbir Ram @ Gugg.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Baljeet Singh Kathuria, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
along with ASI Kulwant Singh.

JASWANT SINGH, J (ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC on behalf of the Petitioner-Kulbir Ram @ Gugg in case FIR No.141 dated 20.07.2015 for offences punishable under Section 22/61/85 of the Narcotics Drugs and Psychotropic Substances Act registered with Police Station Goraya, District Jalandhar.

As per the allegations in the FIR, the petitioner was apprehended and a recovery of 200 grams intoxicating powder was effected from his person.

Learned Counsel for the petitioner contends that the petitioner is in custody since 20.07.2015 and the challan has been presented on 05.11.2015 without the Chemical Examiner Report indicating the seized

contraband to be a banned substance under the NDPS Act. Thus the prayer is for grant of regular bail.

Learned State Counsel on instructions from ASI Kulwant Singh concedes regarding the custody period as also the challan has been presented without the Chemical Examiner Report, therefore, further concedes that the petitioner would be entitled to only grant of interim bail awaiting the receipt of FSL report.

Resultantly, the petition is partly allowed and the Illaqa Magistrate/CJM, Jalandhar is directed to release the petitioner on interim bail to its satisfaction till the receipt of the report of the Chemical Examiner. The Petitioner shall also file his undertaking that on receipt of the report against him, he will immediately surrender before the same court. The investigating agency shall also take steps, if required to take the petitioner in judicial custody failing the petitioner surrendering before the Court.

Disposed of in the above terms.

**(JASWANT SINGH)
JUDGE**

December 01, 2015
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