

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-33823 of 2015

DATE OF DECISION: 08.10.2015

Jagmail Singh @ Jasmail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 55 dated 6.6.2015 registered under Section 18/61/85 of NDPS Act at Police Station Sadar Abohar, Fazilka.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, the alleged contraband was kept underneath the seat of the Tata Safari Car where co-accused- Satpal was sitting. The petitioner is in custody since 6.6.2015 and incomplete challan has been presented without having any Chemical Examiner's report. Learned counsel further contends that co-accused of the petitioner, namely, Satpal has approached this Court by way of filing

Crl. Misc. No. M-29347 of 2015, wherein interim bail till the receipt of Chemical Examiner's report was granted to him vide order dated 4.9.2015.

Learned counsel also submits that the charges have not been framed and the same shall be framed after getting FSL report.

Learned counsel for the respondent-State has not disputed the stage of trial and factum of non-receiving the FSL report.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that incomplete 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 and moreover, the petitioner is in custody since 6.6.2015, the present petition is allowed. Petitioner, namely, Jagmail Singh @ Jasmail Singh is directed to be released on interim bail till receipt of Chemical Examiner's report subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 08, 2015
pooja

(DAYA CHAUDHARY)
JUDGE