

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

203

**Criminal Misc. No.M-36011 of 2015
Date of decision: October 30, 2015**

Jatin Kumar @ Jeetu

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. V.K. Pandey, Advocate for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Jatin Kumar @ Jeetu in case FIR No.109 dated 13.06.2015 registered under Sections 22/61/85 of NDPS Act at Police Station Goraya, District Jalandhar during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and there was violation of Section 50 of NDPS Act. Recovery was effected from a public place but no independent witness was joined. Learned counsel further submits

that the petitioner is in custody since 13.06.2015 but till date, FSL report has not been received and in the absence thereof, it cannot be said whether the intoxicant recovered fall under the NDPS Act or not. Learned counsel further submits that the petitioner is the sole bread earner of the family and his father is a heart patient and surgery has also been performed. Learned counsel also submits that the petitioner undertakes to surrender before the trial Court on receipt of FSL report.

Learned State counsel opposes grant of regular/interim bail to the petitioner on the ground that investigation is yet to be completed.

Without commenting anything on the merits of the case and keeping in view the quantity as well as the fact that FSL report has not been received and it cannot be said at this stage as to what is the outcome of the FSL report; the petitioner has undertaken to surrender before the Court on receipt of FSL report, the present petition is allowed and petitioner, namely, Jatin Kumar @ Jeetu is directed to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court till the FSL report is received. The petitioner is directed to surrender before the trial Court on receipt of FSL report.

October 30, 2015

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**(DAYA CHAUDHARY)
JUDGE**