

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-37245 of 2015
Date of Decision: 05.11.2015

Rajinder Singh alias Raja

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. A.S. Sekhon, Advocate
for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.97 dated 14.8.2015 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act") registered at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner contends that in the aforesaid FIR, the petitioner was arrested on 14.8.2015 and the Chemical Examiner's report has not yet been received. In the

absence of report of the Chemical Examiner, it cannot be established whether the recovered material falls within the ambit of NDPS Act or not. In support of his contention, learned counsel for the petitioner relies upon order dated 15.5.2015 of this Court passed in CRM-M-11657 of 2015 **Maninder Singh alias Bau v. State of Punjab**, where the alleged recovery was of 210 grams of intoxicated powder and this Court had granted bail to the petitioner.

Learned State counsel, on instructions from ASI Gurmel Singh, does not disputes the fact the Chemical Examiner's report is yet to be received.

In absence of report of the Chemical Examiner, the question, as to whether the offence under the NDPS Act is made out or not, would still be open.

Considering the fact that the petitioner is in custody since 14.8.2015 and he is not involved in any other criminal proceedings under the NDPS Act, the petitioner is admitted on interim bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Taran Tarn.

However, it is made clear that if on receipt of report of the Chemical Examiner, it is established that from the alleged recovery made from the petitioner, an offence under the NDPS Act is made out against the petitioner, he shall be taken into custody forthwith.

With the above observations, the petition is disposed of.

November 05, 2015
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(HARI PAL VERMA)
JUDGE