

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

CRM No.M- 40095 of 2014(O&M)

Date of Decision: January 19, 2015.

Bachittar Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Satinder Kaur, Advocate
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

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

LISA GILL, J.

Petitioner prays for bail pending trial in FIR No.2 dated 20.01.2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at police station Dugri, District Ludhiana.

Learned counsel for the petitioner relies upon judgment dated 31.01.2014 of a Division Bench of this Court in **CRM No.M-13140 of 2012** titled '**Inderjeet Singh @ Laddi v. State of Punjab**' (lead case in a bunch of cases) to submit that the petitioner is entitled to be released on interim bail till

the receipt of FSL report. Report under Section 173 Cr.P.C. has been submitted on 26.04.2014 but the Chemical Examiner's report is still not forthcoming. In the present case, petitioner is in custody since 20.01.2014. Petitioner has been falsely implicated in two other cases. He has been acquitted in FIR No.32 dated 18.04.2012, under Sections 307/333/353/186 IPC, police station Mehna. He has been found innocent in FIR No.56 dated 18.04.2012.

Learned counsel for the State, on instructions from ASI Hardeep Singh, submits that the report of Chemical Examiner has not been received or filed till date. Petitioner has been acquitted in FIR No.32 dated 18.04.2012 and has been found innocent in FIR No.56 dated 18.04.2012.

A Division Bench of this Court in Inderjeet Singh @Laddi's case (supra) has clearly held that:-

“ Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delay, the accused may be released on interim bail.

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Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter consider the case after the receipt of the report.”

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true

facts in the Court, if released on interim bail.

For the reasons aforesaid but without expressing any opinion on the merits of the case, it would be just and expedient to release the petitioner on interim bail till the receipt of report of the Chemical Examiner.

Petitioner shall be released on interim bail till the submission of the report of Chemical Examiner on his furnishing bail bonds and surety bonds to the satisfaction of the learned Trial Court.

The learned trial court shall consider the question of grant of bail pending trial to the petitioner on receipt of the report of Chemical Examiner.

Petition is accordingly disposed of.

January 19, 2015.
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(LISA GILL)
JUDGE