

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

**C.R.M-M No.40257 of 2015
Date of Decision : 14.12.2015**

Ranjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S. Sidhu, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., 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?

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.63 dated 04.09.2015, registered under Sections 22, 61, 85 of the NDPS Act, at Police Station Kot-Fatta, District Bathinda on the ground that he has been in custody since 04.09.2015 and till date the FSL report has not come to certify that the alleged recovery is either a narcotic drug or not.

As per the learned counsel for the petitioner, in cases of recovery of easily identifiable drugs like opium, ganja or charas or manufactured drugs which are labelled, a bare look may enable a reasonable

identification but where the identity is in doubt it is most unfair to keep the person in custody indefinitely without even there being any evidence as to what the recovered material is.

Learned Additional Advocate General has accepted that till date the FSL report has not come and that the petitioner has been in custody since 04.09.2015.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Illaq Magistrate, Bathinda is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter the trial Court to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

December 14, 2015

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**(AJAY TEWARI)
JUDGE**