

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41204 of 2015

DATE OF DECISION: 10.12.2015

Jashandeep @ Joni

.....Petitioner

Versus

State of Haryana

.....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. JS Sandhu, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

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. 291 dated 22.9.2015 registered under Section 21/61/85 of NDPS Act at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, the alleged recovery was effected from two persons including the petitioner. Neither any independent witness was joined at the time of recovery nor the gazetted officer was called at the place of occurrence. All the witnesses are official and there is no apprehension that the petitioner may influence them. Learned counsel further contends that even the chemical examiner's report has not been

received so far.

Learned counsel for the respondent-State on instructions from ASI Bhup Singh has not disputed the factum of non-receipt of chemical examiner's report.

In view of the submissions made by learned counsel for the petitioner and by considering the fact that chemical examiner's report has not been received so far and without having any report, it cannot be ascertained whether the alleged recovery falls under the commercial quantity or non-commercial as well as in view of law laid down by this Court in **Inderjeet Singh @ Laddi and others Vs. State of Punjab** 2014 (3) RCR (Criminal) 953, the present petition is allowed. The petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court till the receipt of chemical examiner's report.

The petitioner is directed to surrender before the trial Court on receipt of chemical examiner's report.

December 10, 2015
pooja

(DAYA CHAUDHARY)
JUDGE