

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

**C.R.M-M No.5361 of 2015
Date of Decision : 23.02.2015**

Mandeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Malhotra, 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.173 dated 22.10.2014 registered under Sections 22, 61, 85 of the NDPS Act at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner has argued that as per the FIR the petitioner was arrested on 22.10.2014 and 100 gms. of some powder was recovered from him which seems to be intoxicating powder.

The precise grievance of the learned counsel for the petitioner is that apart from the merits of the case 4 months have passed and even till date there is

no report from the FSL certifying that the alleged recovery is either a narcotic drug or a psychotropic substance. As per the learned counsel, 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 on instructions from S.I. Varinder Singh has accepted that despite reminders the FSL report has not come and that the petitioner has been in custody for the past more than 4 months.

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/Illaqa Magistrate, Jalandhar is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter 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.

February 23, 2015

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**(AJAY TEWARI)
JUDGE**