

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

CRM No.M-9362 of 2015 (O&M)

Date of decision: 23.04.2015

Suleman @ Salman

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.149 dated 15.07.2014, under Sections 22/61/85 of the NDPS Act, registered at Police Station Salem Tabri, District Ludhiana.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 45 bottles of injections of avil and 35 glass injections of N/Norphin were recovered from the petitioner.

Learned State counsel upon instructions from ASI Didar Singh would concede that till date FSL report has not been received.

As such, without the report of chemical examiner, the question as to whether offence under the NDPS Act would be made out is still be open.

The petitioner has been in custody since 15.07.2014. He is stated to be not involved in any other proceedings under the NDPS Act.

Under such peculiar circumstances, petitioner is held entitled to the concession of interim bail. Petitioner, namely, Suleman @ Salman be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Ludhiana.

It is however observed that upon the FSL report being furnished and the alleged recovery made from the petitioner makes out the offence under the NDPS Act, he shall be taken into custody forthwith.

Disposed of.

23.04.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE