

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

**CRM-M No.12398 of 2016 (O&M)
Date of Decision: 21.04.2016**

Balwinder Singh @ Binder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Himanshu Puri, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Balkar Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. read with Section 167(2) Cr.P.C. on behalf of the petitioner/accused-Balwinder Singh @ Binder in case FIR No.155 dated 17.09.2015, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Sultanpur Lodhi, District Kapurthala (**Annexure P-1**).

As per allegations, the petitioner was apprehended with possession of 1010 grams of Heroin from the polythene bag held by him.

It is contended that the challan has been presented on 15.03.2016 without the report of Forensic Science Laboratory (in short 'FSL') and, therefore, being incomplete challan, prayer is for grant of regular bail under Section 167 (2) Cr.P.C. for non-filing of complete challan within the stipulated period of 180 days.

Learned State Counsel, assisted by ASI Balkar Singh, states that filing of challan without the report of FSL would still be a valid challan and at best, the petitioner would be entitled to grant of interim bail, awaiting the report of FSL, as held by this Court in various cases.

Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Kapurthala is directed to release the petitioner on interim bail on furnishing of adequate sureties and conditions till the receipt of report of Chemical Examiner, Mohali.

The petitioner shall also file his undertaking that on receipt of the report against him, he will immediately surrender before the Court concerned. The Investigating Agency shall also take steps, if required, to take the petitioner in judicial custody.

Disposed of in the above terms.

April 21, 2016
Gagan

(JASWANT SINGH)
JUDGE