

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

**Criminal Misc.No.M-13297 of 2016 (O&M)
Date of Decision : 27th September, 2016**

Khalid Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vivek Goel, Advocate,
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioner has preferred the instant petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.124 dated 13.12.2015, registered at Police Station Ajitwal, District Moga, under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

On 28.04.2016, this Court passed the following order:-

“Notice to the State for 01.08.2016.

It has been submitted that report of the chemical examiner ha not yet been received, though the petitioner was arrested on 13.12.2015.

The petitioner is ordered to be released on interim temporary bail till the receipt of report of chemical examiner, on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate.

For report and arguments to come up on the date fixed.”

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Learned counsel for the petitioner states that the FSL report has been received and as per the said report, the seized material was contraband but the recovery is marginally above the commercial quantity being 270 grams heroin and the antecedents of the petitioner are clean and he has undergone custody for 04 months and 17 days.

Learned State counsel, on instructions from ASI Jarnail Singh, has accepted these factual assertions.

In these circumstances, I do not deem it appropriate to deny the concession of bail to the petitioner.

Ordered accordingly.

The interim order dated 28.04.2016, passed by this Court, is confirmed.

Accordingly, the instant petition stands allowed.

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

27th September, 2016

mamta

**(AJAY TEWARI)
JUDGE**

Whether speaking

Yes/No

Whether Reportable

Yes/No