

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

CRM-M No.15692 of 2016

Date of Decision:-16.05.2016

Hardeep Singh @ Kaka.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Harkeerat Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by HC Hardev Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Hardeep Singh @ Kaka in case FIR No.120 dated 24.05.2015 for offences punishable under Sections 18/61/85 of NDPS Act registered with Police Station Shimlapuri, District Ludhiana.

As per the allegations on interception of the petitioner-accused riding his Aviator Scooter, a recovery of 4 kgs of Opium was effected from his conscious possession.

It is contended that there is matrimonial dispute between the daughter of the complainant with the husband who happens to be a son of a retired police officer at whose instance a false case has been foisted.

Upon hearing learned Counsel for the parties, no case for grant

of bail on the alleged false story is made out as that is a moot point to be seen at the time of trial.

At this stage it is contended that the challan has been presented on 4.8.2015, however, the FSL report on the seized contraband has not yet been submitted, therefore, prayer is for grant of interim bail.

Learned State Counsel assisted by HC Hardev Singh does not dispute the fact that the petitioner is in custody since 24.5.2015 and challan without the FSL report stands presented on 4.8.2015 and said report is still awaited and does not oppose the grant of interim bail.

Without commenting on the merits of the case, the petition is allowed and the Chief Judicial Magistrate/Duty Magistrate, Ludhiana is directed to release the petitioner Hardeep Singh @ Kaka on interim bail on his furnishing 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.

(JASWANT SINGH)
JUDGE

May 16, 2016
Vinay