

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

**CRM-M No.1837 of 2016 (O&M)
Date of Decision: 22.01.2016**

Sukhwinder Singh @ Sukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Rajinder Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.133 dated 06.08.2015, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Guruharsahai, District Ferozepur (**Annexure P-1**).

There is a recovery of 500 grams of *Heroin* from the possession of the petitioner and his co-accused/non-applicant Jaswinder Singh. The said quantity is commercial in nature.

Learned Counsel for the petitioner at this stage submits that the petitioner is in custody since 06.08.2015 and the report of the Chemical Examiner on the seized alleged contraband is still awaited. Thus the prayer is for interim bail.

Learned State Counsel, assisted by HC Rajinder Singh, concedes that the report of FSL is yet to be received in spite of the reminders. In view of the absence of the report, the petitioner would be entitled for grant of interim bail till the report is received.

Resultantly, the petition is partly allowed and the Illaqa Magistrate/CJM, Ferozepur is directed to release the petitioner on interim bail to its satisfaction till the receipt of the report of the Chemical Examiner. Petitioner shall also file his undertaking that on receipt of the report against him, he will immediately surrender before the same Court. The Investigating Agency shall also take steps, if required, to take the petitioner in judicial custody.

Disposed of in the above terms.

January 22, 2016
Gagan

(JASWANT SINGH)
JUDGE