

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-18772 of 2016 (O&M) Date of Decision: 02.06.2016

Raj Kumar

--Petitioner

Versus

State of Haryana

--Respondent

2. CRM No. M-18778 of 2016

Parveen

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Nandan Jindal, Advocate for the petitioners.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

These two connected petitions have been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioners herein in case F.I.R No.710 dated 19.11.2015 under sections 21(B), 27(A), 61, 85 of N.D.P.S Act and sections 18(A), 18(C) of Drugs and Cosmetics Act, registered at Police Station, City Fatehabad, District Fatehabad.

As per prosecution version, an alleged recovery of 240 bottles of Rexcof and 2250 tablets of Carisoma was effected from an Innova vehicle and in which the petitioners in these two connected petitions, were the occupants.

Perusal of the F.I.R as also the challan that has been presented would show that offence under Section 21-B of N.D.P.S Act has been cited. The same would be an indicator of a recovery pertaining to non-commercial quantity.

Be that as it may, challan has been presented without even waiting for the report of F.S.L.

Under such circumstances, the petitioners, who have faced incarceration since 19.11.2015 i.e. the date of the alleged recovery, are held entitled to the concession of interim bail.

Petitioners be enlarged on interim bail subject to satisfaction of C.J.M./Duty Magistrate, Fatehabad.

It is, however, made clear that, if, upon receipt of the report of Chemical Examiner an offence under the provisions of N.D.P.S Act in relation to a commercial quantity is made out against the petitioners, they would be taken into custody forthwith.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.06.2016

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