

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

**CRM-M No.19244 of 2016 (O&M)
Date of Decision: 03.06.2016**

Saber Ahmed Rathar and others

..... Petitioners

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. J.S.Jaidka, Advocate for
Mr. Nadeem Ismail Zubairy, Advocate for the petitioners.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by S.I. Kiran Lata.

JASWANT SINGH, J. (Oral)

Present petition is for grant of default bail under Section 439 Cr.P.C. read with Section 167(2) Cr.P.C. on behalf of three petitioners-accused, namely, Saber Ahmed Rathar, Rayaz Ahmed Khan and Basheer Ahmed Jargar in case FIR No.232 dated 22.11.2015, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Ladhawal, District Ludhiana.

There is a recovery of 2 Kgs. and 300 Grams of *Cocaine* from the possession of the petitioners-accused.

It is contended that the challan has been presented on 20.05.2016 without the report of Forensic Science Laboratory (in short 'FSL') and, therefore, being incomplete challan, prayer is for grant of interim 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 S.I. Kiran Lata, states that filing of challan without the report of FSL would still be a valid challan and at

best, the petitioners 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 concerned is directed to release the petitioners on interim bail on furnishing of adequate sureties and conditions till the receipt of report of Chemical Examiner, Mohali.

The petitioners shall also file their undertaking that on receipt of the report against them, they will immediately surrender before the Court concerned. The Investigating Agency shall also take steps, if required, to take the petitioners in judicial custody.

Disposed of in the above terms.

June 03, 2016
Gagan

(JASWANT SINGH)
JUDGE