

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

CRM-M No. 207 of 2016 (O&M)

Date of Decision: 29.03.2016

Seto alias Surjit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gagandeep, Advocate for
Mr. Paramjit Singh Brar, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Gurdial Singh.

JASWANT SINGH, J. (ORAL)

Prayer in the present petition under Section 439 of Cr.P.C. on behalf of the accused/petitioner-Seto alias Surjit Kaur is for grant of regular bail in case FIR No. 244, dated 17.09.2015 for offences punishable under Sections 21/61/85, Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sadar, Ferozepur, District Ferozepur.

As per allegations, the petitioner was apprehended with possession of 260 grams of *Heroin*. The said quantity concededly is commercial in nature.

It is contended that the challan has been presented on 08.01.2016 without the report of Chemical Examiner and, therefore, being incomplete challan, prayer is for grant of regular bail.

The petitioner is stated to be in custody since 17.09.2015.

Learned State Counsel, assisted by ASI Gurdial Singh,
states that filing of challan without the report of Chemical Examiner

would still be a valid challan and at best, the petitioner would be entitled to grant of interim bail, awaiting the report of Chemical Examiner, as held by this Court in various cases.

Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Ferozepur is directed to release the petitioner on interim bail on furnishing of adequate sureties and conditions till the receipt of report of Chemical Examiner concerned.

The petitioner shall also file her undertaking that on receipt of the report against her, she 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.

March 29, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**