

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21666 OF 2016
DATE OF DECISION: August 03,2016

Balwinder Singh @ Gora

...Petitioner

versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Sh. Nakul Sharma, Advocate for the petitioner.
Mr.K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J.(ORAL)

This is a petition under Section 439 CrPC for the grant of regular bail to the petitioner in case FIR No.18 dated 19.2.2016 under Section 21 of the Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station Cantt. Ferozepur, District Ferozpeur.

As regards the regular bail, learned counsel for the petitioner states that he would not press for the same and only prays for interim bail, since the petitioner is in custody for more than four months and the FSL report has not been submitted and there is no corroboration of any alleged recovery.

Learned State counsel has accepted that the FSL report has not been received and the petitioner is in custody for the last more than four months.

Keeping in view the period of custody of the petitioner and the fact that the FSL report has not been submitted, I do not deem it appropriate to deny him the concession of interim bail.

Accordingly, the petitioner is directed to be released on interim bail to the satisfaction of trial Court.

However, the issue of regular bail will be decided by the trial Court on receipt of the FSL report.

An effort was made by learned counsel for the petitioner to show that the entire recovery was planted. In this regard, the petitioner has moved an application before the trial Court to direct the prosecution to produce the mobile tower location of the police party to show that the police officials were nowhere near the place of alleged recovery. The aforesaid application was allowed as far as back on 17.5.2016, but till date, no action has been taken thereon.

In these circumstances, the respondent-State is directed to take the necessary action on the aforesaid order dated 17.5.2016 forthwith.

August 03, 2016
KD

(Ajay Tewari)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No