

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-21692 of 2016
Date of Decision:-22.07.2016

Randhir Singh alias Dheera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.M.S. Saggar, Sr. Advocate with
Mr.Navdeep Singh Gill, Advocate for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail to the petitioner in case FIR No.29, dated 12.04.2016, for offence punishable under Section 22 of the NDPS Act, 1985, registered at Police Station Kathu Nagal, Distt. Amritsar.

Learned Senior counsel for the petitioner has confined his prayer only qua grant of interim bail to the petitioner in view of Section 167(2) Cr.P.C. He submits that the petitioner is in custody since 12.04.2016, the date when the FIR was registered and as the chemical examiner's report in the case has not been received so far, it is difficult to say whether the alleged contrband recovered from the petitioner falls within the ambit of NDPS Act. He further submits that so long as the chemical examiner's report does not come, the petitioner deserves to be admitted on interim bail.

In support of his contention, learned Senior counsel has placed reliance on a Division Bench judgment of this Court in **Inderjeet**

Singh @ Laddi and others Vs. State of Punjab, 2014(3) RCR (Criminal)
953 and *CRM-M-40095 of 2014* titled as *“Bachittar Singh Vs. State of Punjab”* CRM-M-10978 of 2015 titled as *“Ranjit Singh @ Rana Vs. State of Punjab”* .

On the other hand, learned counsel for the State fairly states that the petitioner is in custody since 12.04.2016 and till date, chemical examiner's report has not been received. He further submits that since the chemical examiner's report in the case has not yet been received, laboratory has been requested to send the report expeditiously.

Heard.

Without commenting upon the merits of the case and keeping in view of the aforesaid judgments of this Court particularly when the chemical examiner's report with regard to alleged recovered substance is yet to be received, the petitioner is ordered to be released on interim bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial Court.

It is made clear that if on receipt of chemical examiner's report, it is found that the alleged recovery made from the petitioner establishes an offence under the NDPS Act, the petitioner shall be taken into custody.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

July 22, 2016
Anjal