

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

***CRM No.M-2528 of 2016 (O&M)
Date of decision:28.01.2016***

Gurtej Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. J.S. Brar, Advocate for the petitioner.
Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.106 dated 03.07.2015, under Sections 21/61/85 of the NDPS Act, registered at Police Station Kotkapura, District Faridkot.

As per prosecution version, the alleged recovery from the petitioner is 1 kg intoxicating powder.

It has gone uncontroverted that till date the report of the Chemical Examiner is still awaited. Even though, State counsel would contend that extension for submission of challan has been granted by the trial Court for a period of 120 days, yet the question as to whether offence under the NDPS Act is made out against the present petitioner without receipt of the Chemical Examiner report would still be open.

Petitioner otherwise is not stated to be involved in any other case under the NDPS Act.

Under such circumstances, petitioner is held entitled to interim bail till receipt of the Chemical Examiner report.

Petitioner be enlarged on interim bail subject to the satisfaction

of CJM/Duty Magistrate, Faridkot.

It is clarified that if after receipt of the Chemical Examiner report, an offence under the NDPS Act is made out against the petitioner, he would be taken into custody forthwith.

Disposed of.

28.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**