

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

CRM No.M-26414 of 2016 (O&M)

Date of decision: 08.08.2016

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gourav Jain, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by SI Ashok Kumar.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.76, dated 06.03.2016, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station City Tohana, Tehsil and District Fatehabad.

It is contended that allegedly 70 grams of smack was recovered from the petitioner. The petitioner is in custody since 08.03.2016. The challan has been been filed without FSL report.

On the other hand, the learned State counsel opposes the prayer of bail and states that the recovery was effected from the

conscious possession of the petitioner. He informs that the FSL report is still awaited.

I have heard learned counsel for the parties and perused the record.

It is debatable as to whether the quantity of contraband is commercial or otherwise. Keeping in view the fact that the FSL report is still awaited, the Court feels that ends of justice would be met if the petitioner is allowed interim bail, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to interim bail on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

However, if the chemical report is found to be positive, the same shall be intimated/forwarded to the petitioner who shall surrender before the competent Court within a week thereafter.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.08.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No