

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

CRM-M-34481 of 2016 (O&M)

Date of decision: 30.09.2016

Fatehjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

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.266, dated 28.07.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station A-Division, Amritsar.

It is contended that the recovery was allegedly effected on the basis of secret information. Neither any independent witness nor the gazetted officer was joined during the recovery proceedings. The petitioner is in custody since 28.07.2016 and he is not involved in any other FIR. The chemical report has still not been received.

On the other hand, the learned State counsel opposes the prayer of bail and states that there is a due compliance of Section 50

of the Act. However, he fairly admits the assertion of learned counsel for the petitioner to the extent that the petitioner is not involved in any other FIR and the FSL report is still awaited.

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

Keeping in view the fact that the petitioner is not involved in any other FIR; the trial is yet to commence and in view the law laid down by a Division Bench of this Court in ***Inderjeet Singh @ Laddi Vs. State of Punjab, 2014(3) R.C.R. (Criminal) 953***, 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 CJM/Illaq Magistrate, concerned.

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.

30.09.2016

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(JITENDRA CHAUHAN)
JUDGE

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