

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

**CRM-M No.36580 of 2016 (O&M)
Date of Decision : 21.10.2016**

Dawinder Singh @ Kaka

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S.Bhatia, Advocate for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.163 dated 08.08.2016 registered under Sections 21, 22, 61, 85 of the NDPS Act at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner has argued that the petitioner has now been in custody since 08.08.2016 and despite the lapse of almost 2 ½ months the forensic report has not come and prays that at least till that time the petitioner be released on interim bail.

Learned Deputy Advocate General on instructions from Investigating Officer has accepted that despite reminders the FSL report has not come and the petitioner has been in custody for almost 2 ½ months.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Illaq Magistrate, is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.10.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No