

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

CRM No.M-36076 of 2015 (O&M)

Date of decision:23.02.2016

Onkar Ram

... Petitioner

vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. R.K. Dadwal, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL).

The present petition has been filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner in case FIR No.94 dated 17.04.2015, under Sections 15/21/22/25/29/61/85 of the NDPS Act, registered at Police Station Model Town Hoshiarpur.

Suffice it to observe that the alleged recovery from the present petitioner is of 264 grams of intoxicant powder.

It has gone uncontroverted that samples having been sent, report of the Chemical Examiner is still awaited.

The issue as to whether offence under the NDPS Act is made out, as such, would still be open.

Under such circumstances and without making any observations on merit, the petitioner is held entitled to the benefit of interim bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate.

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

Disposed of.

23.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**