

212.

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

CRM-M-41200-2016

Date of decision:23.11.2016

Raju

... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manish Prabhaker, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail to the petitioner in case FIR No.164 dated 09.05.2016 under Section 20 of NDPS Act, registered at Police Station 'A' Division, Amritsar.

Learned counsel for the petitioner states that the petitioner is in custody since 09.05.2016 and the prosecution has not filed the challan as the FSL report is awaited. Therefore, in view of Section 167(2) Cr.P.C. when the challan has not been presented as the chemical examiner's report in the case has not been received so far, it is difficult to say whether the alleged contraband recovered from the petitioner falls within the ambit of NDPS Act. Therefore, so long as the chemical examiner's report is not received, the petitioner deserves to be admitted on interim bail.

Learned State counsel, on instructions from ASI Lakhwinder Singh, fairly submits that the FSL report in the case is awaited and it is for

this reason, challan has not been presented.

Heard, learned counsel for the parties.

Admittedly, the petitioner is in custody since 09.05.2016 and challan has not been presented as the prosecution is awaiting FSL report. Therefore, this Court finds that the petitioner deserves to be admitted on interim bail.

Without commenting upon the merits of the case and taking into consideration the judgments rendered in **Inderjeet Singh @ Laddi and others Versus State of Punjab-2014(3) RCR (Criminal) 953**, petitioner is ordered to be released on interim bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that if on receipt of chemical examiner's report, it is found that the alleged recovery made from the petitioner establishes an offence under the NDPS Act, he shall be taken into custody.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

23.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.