

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

CRM No.M-41739 of 2015 (O&M)

Date of decision 08.01.2016

Hamir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No.23 dated 24.07.2015, under Sections 22/61/85 of the NDPS Act, registered at Police Station Lakhewali, District Sri Muktsar Sahib.

Counsel for the parties have been heard at length.

FIR in question was registered on 24.07.2015 against the present petitioner as also co-accused Kuldeep Singh. The alleged recovery from the present petitioner is stated to be 11 bottles of Rexcof containing 100 ML each. The recovery from Kuldeep Singh is stated to be 140 tablets of carisoma.

It is not a matter of dispute that the samples having been sent, the report of the FSL/Chemical Examiner is still awaited.

It may be noticed that there may be a distinction between the recovery effected from the present petitioner and the co-accused. 11 bottles of Rexcof would otherwise fall within commercial quantity. However, without the report of the Chemical Examiner, it would not be clear as to whether any offence under the NDPS Act is made out.

Accordingly, the present petitioner is held entitled to interim bail subject to the report of FSL/Chemical Examiner being furnished.

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

However, it is made clear that if on receipt of the FSL/Chemical Examiner report, the same makes out an offence under the NDPS , the petitioner would be taken into custody forthwith.

Disposed of.

08.01.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE