

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

CRM-M No. 43652 of 2015 (O&M)

Date of Decision: 05.01.2016

Akash Kumar alia Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by ASI Bhajan Ram.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail in case FIR No. 53, dated 19.04.2015 for offences punishable under Sections 21, 22/61/85, Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Division No. 2, Jalandhar.

As per allegations, the petitioner was apprehended with possession of 200 grams of intoxicating powder.

It is averred that the challan has been presented without the report of Chemical Examiner and, therefore, being incomplete challan, prayer is for grant of regular bail.

Learned State Counsel, assisted by ASI Bhajan Ram, states that filing of challan without the report of Chemical Examiner would still be a valid challan and at best, the petitioner would be entitled to grant of interim bail, awaiting the report of Chemical Examiner, as held by this Court in various cases.

Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Jalandhar is directed to release the

petitioner on interim bail on furnishing of adequate sureties and conditions till the receipt of report of Chemical Examiner concerned.

The petitioner shall also file his undertaking that on receipt of the report against him, he will immediately surrender before the Court concerned. The investigating agency shall also take steps, if required, to take the petitioner in judicial custody.

Disposed of in the above terms.

January 05, 2016

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**(JASWANT SINGH)
JUDGE**