

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

CRM-M No. 43801 of 2015 (O&M)

Date of Decision: 05.01.2016

Balwinder Singh @ Binder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajiv Verma, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by ASI Narender Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail in case FIR No. 49, dated 06.06.2015 for offences punishable under Sections 15/61/85, Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bakshiwal, District Patiala.

As per allegations, the petitioner was apprehended with possession of 120 kgs. of poppy husk in his car.

It is contended that the challan has been presented on 01.12.2015 without the report of Forensic Science Laboratory (in short 'FSL') and, therefore, being incomplete challan, prayer is for grant of regular bail under Section 167 (2) Cr.P.C. for non-filing of complete challan within the stipulated period of 180 days.

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

Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Patiala is directed to release the petitioner on interim bail on furnishing of adequate sureties and conditions till the receipt of report of Chemical Examiner, Mohali.

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

'dk kamra'

**(JASWANT SINGH)
JUDGE**