

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

CRM-M-44794 of 2016 (O&M)

Date of decision: 20.12.2016

Ajit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Dr. G.S. Brar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
assisted by SI Balbir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.162, dated 22.06.2016, registered under Sections 186, 323, 332, 353, 504 read with Section 34 of IPC and Section 21, 21-B, 21-C & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Dabwali, District Sirsa.

It is contended that the petitioner along with his brother has been falsely implicated in the present FIR which is made out from the contents of the FIR itself. As it was a case of false implication, when the family members of the petitioner protested, the police registered a false FIR under Sections 323, 332, 353, 504 read

with Section 34 IPC against the wife, unmarried sister(s) and brother of the petitioner. He further states that the petitioner is in custody since 26.02.2016. The FSL report has not been received so far.

On the other hand, the learned State counsel, on instructions submits that huge recovery of 32 bottles of Corex and 210 gms of codeine phosphate was allegedly recovered from the petitioner, however, he states that the FSL report is still awaited. He further submits that co-accused who ran away from the spot has now been declared proclaimed offender. The petitioner is not a pharmacist and was not holding the valid licence. He admits that there is no other FIR against the petitioner under NDPS Act.

I have heard learned counsel for the parties and perused the record.

It is debatable as to whether the quantity is commercial or otherwise. Keeping in view the fact that the FSL report is still awaited, the Court feels that ends of justice would be met if the petitioner is allowed interim bail. Therefore, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to interim bail on his furnishing bail bonds and surety bonds, to the satisfaction CJM/Illaq Magistrate, concerned.

However, if the chemical report is found to be positive, the same shall be intimated/forwarded to the petitioner who shall surrender before the competent Court within a week thereafter.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

20.12.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No