

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

CRM-M No.43868 of 2015

Date of Decision:-27.01.2016

Gurpreet Singh.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.K. Khunger, Advocate for the Petitioner.

Mr. Mikhail Kad, AAG Punjab assisted by
ASI Hari Krishan.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of interim bail to the petitioner Gurpreet Singh in case FIR No.53 dated 27.05.2015 for offences punishable under Sections 22/21/61/85 of NDPS Act registered with Police Station Bajakhana, District Faridkot.

As per the allegations there is a recovery of 300 intoxicating tablets and 100 grams of intoxicating powder from the possession of the petitioner.

It is contended that petitioner is in custody since 27.05.2015 and without the FSL report, on the face value of the allegations, the alleged quantity is non commercial. That apart it is submitted that a false case has

been planted and petitioner is not involved in any other criminal case.

Learned State Counsel assisted by ASI Hari Krishan was granted time on the previous date i.e. 11.01.2016 to file a reply regarding the nature of the quantity seized. Without the receipt of FSL report no such reply to date has been filed. He further on instructions is unable to refute the factual contention regarding the custody period and nature of the quantity seized being non commercial.

Without commenting on the merits of the case, the petition is allowed and the Chief Judicial Magistrate/Duty Magistrate, Faridkot is directed to release the petitioner Gurpreet Singh on interim bail on his furnishing 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 taken steps, if required, to take the petitioner in judicial custody.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

January 27, 2016
Vinay