

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

CRM-M No. 5771 of 2016 (O&M)
Date of Decision: 23.02.2016

Amzad Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular interim bail in case FIR No. 61, dated 12.07.2015, for offences punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Amargarh, District Sangrur, till the receipt of report of chemical examiner.

The petitioner was apprehended at the spot on 12.07.2015 and a recovery of 1200 Alpracad 0.5 tablets and 270 Carisoma tablets were affected.

At the time of hearing, learned counsel for the petitioner, prays for grant of interim bail in the light of the fact that challan has been presented without the receipt of the chemical examiner report.

Learned State Counsel, assisted by ASI Gurdeep Singh, is unable to refute the prayer for such interim bail, since concededly challan has been presented and the report from the Chemical Examiner

is awaited. In view of the absence of the report, the petitioner would be entitled for grant of interim bail till the report is received.

Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Duty Magistrate, Sangrur is directed to release the petitioner on interim bail to its satisfaction, till the receipt of the report of the Chemical Examiner.

Petitioner-Amzad Khan 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.

February 23, 2016

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(JASWANT SINGH)
JUDGE