

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

CRM-M No.632 of 2016

Date of Decision:-20.01.2016

Lakhwinder Singh @ Lakhvir Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikas Singh, Advocate for the Petitioner.

Mr. Mikhail Kad, AAG Punjab assisted by
HC Samay Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Lakhwinder Singh @ Lakhvir Singh in case FIR No.49 dated 6.6.2015 for offences punishable under Sections 15/61/85 of NDPS Act registered with Police Station Bakshiwala, District Patiala.

As per the allegations the accused-petitioner along with his co-accused Balwinder Singh @ Binder were apprehended with possession of 120 Kgs of Poppy Husk in the car they were travelling.

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.PC for non filing of complete challan within the stipulated period of 180 days. It is further submitted that the petitioner is not involved in any other criminal case.

Learned State Counsel assisted by HC Samay 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 for grant of interim bail, awaiting the report of FSL, as held by this Court in various cases. He further submits that his co-accused Balwinder Singh @ Binder was granted similar relief of interim bail by this Court.

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

The petitioner shall also filed 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 20, 2016
Vinay