

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

CRM No.M-7128 of 2016 (O&M)

Date of decision : 29.03.2016

Gurjeet Singh @ Soni

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.S. Brar, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.174 dated 11.11.2015, under Sections 21/22/61/85 of the NDPS Act, registered at Police Station Dayalpura, District Bathinda.

As per prosecution version, the alleged recovery effected from the petitioner is of 60 grams of intoxicating powder and 2 grams of heroin.

It stands conceded during the course of arguments that samples having been sent, report of the Chemical Examiner has not been furnished.

The issue as to whether offence under the NDPS Act is made out against the present petitioner would as such still be open.

Under such circumstances, the petitioner is held entitled to the benefit of interim bail.

Petitioner be enlarged on interim bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bathinda.

It is, however, clarified that if upon furnishing of report of the Chemical Examiner, offence under the NDPS Act is made out, the petitioner would be taken into custody forthwith.

Disposed of.

29.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**