

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9566 of 2016 (O&M)
Date of Decision: 29.3.2016

Arashay Ali @ Muna

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Ms. Anmol Grewal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.71 dated 28.8.2015 under sections 21, 61, 85 of N.D.P.S Act, registered at Police Station, Rawalpindi, District Kapurthala.

Learned counsel for the parties have been heard.

As per prosecution version an alleged recovery of 1 kg of smack is stated to have been recovered from the present petitioner as also co-accused namely Mohd. Sadhab.

It has been conceded that samples having been sent, report of the Chemical Examiner is yet awaited.

Under such circumstances, the issue as to whether an offence under the N.D.P.S Act is made out against the petitioner would still be open.

In view of the above position, petitioner is held entitled to the benefit of interim bail. Petitioner be released on interim bail subject to satisfaction of C.J.M./Duty Magistrate, Kapurthala.

It is clarified that, if, upon receipt of report of Chemical Examiner an offence under the N.D.P.S Act is made out, petitioner would be taken into custody forthwith.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.3.2016
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