

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

CRM-M-23817 of 2017

Date of decision: 13.7.2017

Purushotam Dass

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr. Amit Choudhary, Advocate  
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana

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**H.S. MADAAN, J.**

This petition for regular bail has been filed by Purushotam Dass – accused in FIR No.140 dated 25.2.2017 for offence under Section 22 of NDPS Act, 1985 registered at Police Station Ratia, District Fatehabad.

Briefly stated, the allegations as per prosecution version are that on 25.2.2017, a police party headed by ASI Rajbir Singh in the area a little away from Gurdwara at village Sardarewala, Police Station Ratia, District Fatehabad had intercepted accused while he was coming from the private bus and was found with a plastic bag slung on his left shoulder.

The bag on being searched in presence of a gazetted officer was found to contain 500 strips (5000 tablets) of Pindol-Forte in one polythene bag and 153 strips (1530 tablets) of Alprasave 0.5 in other polythene bag total weight of 350 gms, one more polythene bag on being opened and checked was found to contain 30 strips (300 tablets) at – two tablets having weight of 60 gms., which attracted provisions of NDPS Act. Out of the recovered contraband, two strips (20 tablets) each were taken out as a sample. The sample was sent to the office of Chemical Examiner but report therefrom has not been received so far.

It is stated that challan has been filed against the accused which is pending in the Court of Additional Sessions Judge, Fatehabad. The petitioner is said to have moved an application for grant of regular bail in the Court of Additional Sessions Judge, Fatehabad but the same was dismissed vide order dated 8.6.2017, as such he has approached this Court.

Notice of the petition was given to the State of Haryana. The State counsel has stated that report from Chemical Examiner is still awaited.

It being so, in view of ratio of the authority **Inderjeet Singh @ Laddi and others Versus State of Punjab, 2015(1) Crimes 308** by a Division Bench of this Court wherein it was observed that Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter consider the case after the receipt of the report.

In the instant case, the petitioner is in custody since 25.2.2017 i.e. for a period of more than four months and report from the office of Chemical Examiner/FSL is still awaited. As such, in view of the ratio of the authority in ***Inderjeet Singh @ Laddi's*** case (supra), the petitioner is found entitled to interim bail and the petitioner is ordered to be released on **interim bail**, subject to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Fatehabad, who may impose necessary terms and conditions to ensure that the petitioner does not abscond. The petitioner would be liable to surrender in the Court of learned Additional Sessions Judge, Fatehabad immediately when report of Chemical Examiner is received there.

In that way, the present petition is disposed of accordingly.

13.7.2017

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**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**