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

CRM-M-27631 of 2017 [O&M]

Date of Decision: 13.9.2017

Arun @ Karan

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Ms. Monita Mehta, Advocate, for the applicant/petitioner
Mr. RBS Chahal, Addl. AG, Punjab

SHEKHER DHAWAN, J.

CRM No. 28587 of 2017 :

In view of the reasons stated in the application, the same is allowed. Application is taken on record subject to all just exceptions.

CRM-M-27631 of 2017

Learned counsel for the petitioner contended that originally the petitioner had filed the main petition for regular bail in FIR. 104 dated 1.6.2017, under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, "the Act"), registered at Police Station Division No.1, Jalandhar. However, at this stage, she confines her prayer to the extent that the petitioner be released on interim bail as report of Chemical Examiner has not been received in this case by now. The alleged recovery in this case

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is 50 gms intoxicating powder and it is yet to be established on the basis of chemical examination report that the alleged recovery of intoxicating powder was covered under the Act. Learned counsel for the petitioner has placed reliance upon the judgment from a co-ordinate Bench of this Court in **Sher Singh Vs. State of Punjab, 2015(4) R.C.R. (CrI.) 976.** She has further submitted that the petitioner is in custody in this case since 1.6.2017.

2. Learned State counsel, on instructions from ASI Brahm Lal stated that the report of Chemical Examiner has not been received by now.

3. In view of the fact that the report of Chemical Examiner has not been received and the petitioner is in custody since 1.6.2017, the petitioner is ordered to be admitted to interim bail till the presentation of the report of Chemical Examiner before the trial Court. The petitioner shall be released in this case on interim bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area/Duty Magistrate, Jalandhar.

4. The petition stands allowed.

(SHEKHER DHAWAN)
JUDGE

13.9.2017

Ashwani/som

Speaking/Reasoned	Yes
Reportable	Yes