

CRM No. M-29062 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-29062 of 2017
Date of Decision : 19.09.2017

Pritam Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.V.S. Chugh, Advocate for the petitioner.

Ms. Seena Mand, Deputy Advocate General, Punjab.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking regular bail in FIR No. 85 dated 12.06.2017, under Section 22 of the NDPS Act, registered at Police Station Hathur, Ludhiana, Punjab.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 600 tablets of Clavidol-100-SR have been recovered from the petitioner. He further states that the salt in tablets of Clavidol-100-SR is Tramadol, which is not covered under the NDPS Act. Learned counsel further states that although he was arrested on 12.06.2017, the date on which the FIR was lodged, but the report of the chemical examiner has not been received till date. Learned counsel further refers to a judgment of a Coordinate Bench of this Court in the case of ***Inderjit Singh alias Laddi Vs. State of Punjab***, 2014(3) RCR(Criminal) 953, wherein, it has been held that in case where

the report of the chemical examiner is not received, the petitioner is entitled to the concession of interim bail.

Learned State counsel upon instructions from HC Gurmeet Singh states that the report of the chemical examiner is still awaited.

Heard.

The FIR was registered on 12.06.2017 and the petitioner was also arrested on the same date. Over three months have elapsed and the report of the chemical examiner has not been received.

Therefore, in view of the law laid down by a Coordinate Bench of this Court in the case of *Inderjit Singh alias Laddi(supra)*, I deem it appropriate to grant concession of interim bail to the petitioner till the receipt of the report of the chemical examiner.

Consequently, the petition is partly allowed. The petitioner shall be released on interim bail subject to the satisfaction of the Illaqa Magistrate/trial Court.

However, this order shall remain in operation till the receipt of FSL report. The petitioner shall file an undertaking that on receipt of the report of chemical examiner, he shall surrender before the trial Court for further proceedings.

September 19, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>