

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

207

**CRM-M-33944 of 2017
DATE OF DECISION:18.09.2017**

VIJAY KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Malhotra, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking interim bail in FIR No.90, dated 15.05.2017, under Section 22 of NDPS Act, registered at Police Station Division No.1, District Jalandhar.

Learned counsel for the petitioner contends that although the petitioner was arrested on 15.05.2017 on the allegations that intoxicant substance was recovered from the possession but the report of the chemical examiner has not been received. Learned counsel further refers to a judgment of a coordinate Bench of this Court in the case of "**Inderjit Singh alias Laddi Versus 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 ASI Resham Singh, states that report of the chemical examiner has not been received as yet.

Heard.

The FIR was registered on 15.05.2017 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 Versus State of Punjab, 2014(3) RCR (Criminal) 953**", 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 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 the chemical examiner, he shall surrender before the trial Court for further proceedings.

18.09.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No