

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

281

**CRM-M-35228 of 2017
DATE OF DECISION:08.11.2017.**

Pawan Kumar

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Shekher Dhawan, J. (Oral)

Present petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.107 dated 05.07.2017 under Section 21-B, 27A of NDPS Act, registered at Police Station Odhan, District Sirsa. However, learned counsel for the petitioner restricted his prayer for grant of interim bail till the receipt of FSL report.

Learned counsel for the petitioner contended that the FSL report has not been received as yet and the petitioner be granted interim bail till receipt of report of Chemical Examiner.

Learned State counsel affirms the factum regarding non receipt of the FSL report.

For having been found in possession of 10 bottles of Onerex Codeine Phosphate Tripodine of 100 Ml each, it will not be feasible to arrive at a presumption that the petitioner was found in possession of above
intoxicant. The petitioner is in custody since 05.07.2017

In view of the peculiar circumstances of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Area Magistrate, subject to the condition that the petitioner would be required to surrender after the receipt of report of FSL, without prejudice to the right of the petitioner to seek regular bail, thereafter, in accordance with law.

(SHEKHER DHAWAN)
JUDGE

08.11.2017.

komal

Whether speaking/reasoned	:	YES/NO
Whether reportable	:	YES/NO