

209.

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

CRM-M-37775-2017

Date of decision: 27.11.2017.

BALWINDER SINGH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.S. Gill, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of interim bail to the petitioner in case FIR No.61 dated 08.05.2017 under Sections 21-A, B, C, 22-A, B, C of NDPS Act, registered at Police Station Ismailabad, District Kurukshetra till the FSL report is received in the case.

Allegation against the petitioner is that he was found in possession of 2340 tablets of Alprazolam weighing 234 grams, which otherwise falls under the commercial quantity. Learned counsel for the petitioner has submitted that in the absence of FSL report, it cannot be ascertained whether the recovered quantity falls within the ambit of NDPS Act. Therefore, as long as the FSL report is not received, the petitioner may be released on interim bail.

Learned State counsel, on instructions from ASI Mahesh Kumar, does not dispute the fact that the FSL report in the case is awaited, though the challan has been submitted but without the report.

I have heard learned counsel for the parties.

Considering the fact that the FSL report is awaited in the case and taking into consideration the judgment of this Court in *Inderjeet Singh @ Laddi & others Versus State of Punjab 2014(3) RCR (Criminal) 953*, the petitioner is ordered to be released on interim bail, on his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that if on receipt of FSL report, it is found that the alleged recovery effected from the possession of the petitioner falls under the NDPS Act, he shall be taken in custody forthwith. The prosecution shall inform about the report without any delay.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

27.11.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No