

CRM No. M-39407 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-39407 of 2017
Date of Decision : 16.11.2017

Amit Kanja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General,
Haryana.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking regular bail in FIR No. 439 dated 04.07.2017, under Sections 21/61/85 of NDPS Act, registered at Police Station City, Hansi.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 262 grams of smack has been allegedly recovered from him. Learned counsel further contends that the report of the chemical examiner has not been received till date although four and half months have elapsed. 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 ASI Ram

Pal states that the report of the chemical examiner is still awaited.

Heard.

The FIR was registered on 04.07.2017 and the petitioner was also arrested on the same date. Over four 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.

(ANUPINDER SINGH GREWAL)
JUDGE

November 16, 2017
kanchan

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