

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-41172 of 2017
DATE OF DECISION:28.11.2017

Sukhdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.117 dated 16.08.2017 under Sections 21,22,61,85, NDPS Act, registered at Police Station Division No.2, Pathankot.

Learned counsel for the petitioner contends that allegations against the petitioner are that 100 capsules of Parvan Spas have been recovered from the petitioner. He further states that the Special Court while dismissing the bail application of the petitioner has observed that 100 capsules recovered from the petitioner contain 65 grams of Dextropropoxyphene.

Learned counsel further states that although he was arrested on 16.08.2017, 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 ASI Jagjit Singh, states that the report of the chemical examiner is still awaited and it is difficult to state with certainty as to what is the nature and quantity of the substance recovered from the petitioner.

Heard.

The FIR was registered on 16.08.2017 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 @ 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.

November 28, 2017

**(ANUPINDER SINGH GREWAL)
JUDGE**

jt

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