

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-43160 of 2017
Date of Decision: 13.12.2017

Shakti

...Petitioner(s)

Versus

U.T. of Chandigarh

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. SPS Chakkal, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, UT, Chandigarh.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.94 dated 10.06.2017 under Sections 21 and 22 NDPS Act registered at Police Station Maloya, Chandigarh.

Learned counsel for the petitioner states that the petitioner is in custody since 10.06.2017 and the alleged recovery made from the petitioner is 30 intoxicated injections and 15 grams of smack, however, the FSL report in the case is still awaited and it is only on the basis of FSL report, the prosecution can form an opinion whether the petitioner is prima facie guilty of offence under the NDPS Act or not. He relies upon a Division Bench judgment of this Court rendered in **Inderjeet Singh @**

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to contend that when FSL report is not received and challan has been presented, without FSL report, the petitioner deserves to be released on interim bail.

Learned State counsel, on instructions from ASI Jagpal Singh, does not dispute the submissions made on behalf the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case but taking into consideration the judgment of this Court in ***Inderjeet Singh's*** case (supra), 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 made from the petitioner falls under the NDPS Act, the petitioner shall be taken in custody forthwith.

The petition is disposed of accordingly.

December 13, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No