

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-44554-2017(O&M)
Date of decision:28.11.2017

Sandeep Bawa

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S.Bali, Advocate, for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T., Chandigarh
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in case FIR No.153, dated 27.09.2017, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station I.T.Park, Chandigarh.

Learned counsel for the petitioner submits that the recovery from the petitioner is 240 grams opium, which is non-commercial quantity. He further submits that the petitioner was arrested on 27.09.2019 and the FSL report is still awaited. He also submits that the petitioner is first offender and is not involved in any other case of NDPS Act. Learned counsel for the petitioner has relied upon “**Inderjeet Singh @ Laddi and others vs State of Punjab**”, 2014(3) RCR (Criminal) 953 to contend that till the report of the FSL is received, the petitioner be released on interim bail.

On the other hand, learned counsel for U.T., on instructions from SI Daya Ram, has not disputed the aforesaid fact.

In view of the judgment of this Court wherein it has been held by this court that awaiting the report of chemical Examiner/FSL, the sentence of the petitioner can be suspended till receiving of such report, the petitioner is directed to be released on interim bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate, till receiving of the FSL report. The petitioner shall submit an undertaking before the trial Court alongwith his bail/surety bonds that he will surrender before the trial Court on receiving the report of FSL.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

28.11.2017
Hemlata

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