

Sr. No.217

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-46598 of 2016 (O&M)

Date of Decision: 13.02.2017

Lakhwinder Singh alias Nikku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sushil Kumar Verma, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.276 dated 03.09.2016, under Sections 21C/22C/61/85 of NDPS Act, registered at Police Station City Mandi Dabwali, District Sirsa.

As per prosecution version, an alleged recovery of 25 bottles of Corex syrup 100 ml. each and 5 strips of Prozolam tablets were effected from the present petitioner as also co-accused Manpreet alias Mannu.

Petitioner was arrested on the spot on 03.09.2016.

Learned State counsel upon instructions from ASI Prem Kumar would concede the fact that the samples having been sent, report of the Chemical Examiner is yet awaited. Even though the challan has been presented.

Without receiving the report of the Chemical Examiner, the issue with regard to an offence being made out against the petitioner under the NDPS Act would be open.

Under such circumstances, petitioner is held entitled to the concession of interim bail awaiting the report of the Chemical Examiner.

Petition is disposed of with a direction to release the petitioner on interim bail to await the report of the Chemical Examiner subject to satisfaction of the trial Court/Duty Magistrate, Sirsa.

It is, however, clarified that if upon receipt of the Chemical Examiner report, an offence under the NDPS Act is made out against the petitioner, he would be taken into custody forthwith.

Disposed of.

13.02.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No