

218.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45885-2017

Date of decision:08.12.2017.

SURESH KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjay Verma, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.395 dated 28.09.2017 under Section 20 of NDPS Act, registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner states that the petitioner is in custody since 28.09.2017 and the alleged recovery is 10.500 kilo grams of ganja, which otherwise falls under non-commercial category. 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 @ Laddi and others Versus State of Punjab-2014(3) R.C.R. (Criminal) 953*** to contend that when FSL report is not received and challan has been presented,

without such FSL report, the petitioner deserves to be released on

interim bail.

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

I have heard learned counsel for the parties.

Accordingly, 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 Chemical Examiner's report, it is found that the alleged recovery made from the petitioner falls under the NDPS Act, he shall be taken in custody forthwith.

The petition is disposed of accordingly

(HARI PAL VERMA)
JUDGE

08.12.2017
sanjeev

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