

Sr. No.231

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

CRM No. M-13595 of 2018 (O&M)

Date of Decision: 06.04.2018

Sukhchain Singh alias Chaina

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail to the petitioner pending trial in case FIR No.121 dated 07.05.2013, under Section 22 of the NDPS Act, registered at Police Station City Tarn Taran, District Tarn Taran.

As per prosecution version, an alleged recovery of 60 grams of intoxicant powder was effected from the petitioner.

Petitioner was arrested on 07.05.2013.

The final investigation report having not been presented within the stipulated time frame of 180 days from the date of arrest, petitioner was granted concession of statutory bail under Section 167(2) Cr.P.C. vide order dated 06.01.2014.

Pleadings on record would indicate that petitioner thereafter absented from trial proceedings and after initiation of proclamation proceedings was declared a proclaimed offender on

25.10.2017. Petitioner thereafter was arrested on 13.12.2017.

During the course of hearing today, learned State counsel upon instructions from HC Prabhjit Singh, Police Station City Tarn Taran would concede that report from FSL has not seen the light of the day till date. Even the challan has not been presented.

The question as to whether offence if any made out against the petitioner under the NDPS Act would remain open.

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

Petition is allowed.

Petitioner be enlarged on interim regular bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

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

Disposed of.

06.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No