

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

CRM-M No.18464 of 2018

Date of decision: 07.05.2018

Naresh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.141 dated 27.08.2015 registered under Section 22 of the NDPS Act at Police Station Guruharsahai, District Ferozepur.

Counsel for the petitioner has submitted that the FIR was registered on 27.08.2015 against the petitioner with the allegation that the Investigating Officer arrested the petitioner with a bag containing 1120 intoxicant tablets. Thereafter, an enquiry was conducted and as per the enquiry report (Annexure P2) dated 05.09.2015, the SHO, Police Station Guruharsahai, District Ferozepur recommended that the petitioner – Naresh Kumar is innocent and further recommended that the case be disposed of after searching for the motorcycle. It is further submitted that, in fact, the petitioner is a vegetable vendor and is not involved in any other case and on that day, he was returning back after attending the last rites of his real brother and saw that a motorcyclist has thrown a black colour bag which he had lifted after searching the motorcyclist.

It is also submitted that on the same day, an application was moved before the trial Court for releasing the petitioner in the aforesaid case vide Annexure P3. It is further submitted that the said application remained pending for a considerable long time and the petitioner was on bail and on 18.01.2018, the trial Court by observing that for the last about 03 years, no report under Section 173 Cr.P.C. is filed, consigned the case file till presentation of the report under Section 173 Cr.P.C.

Counsel for the petitioner has further argued that the trial Court has issued notice vide order dated 11.04.2018 for appearance before the trial Court for 08.05.2018 as the report under Section 173 Cr.P.C. has been submitted along with the report of FSL and the petitioner will be arrested in pursuance to the report under Section 173 Cr.P.C.

On the other hand, counsel for the State has submitted that as per the FSL report, the intoxicant tablets were found containing the narcotic, however, on a query by the Court, it is informed that the recovery was effected on 27.08.2015 and sample parcel was sent to FSL for examination on 17.03.2016 i.e. after lapse of about 07 months.

Without commenting anything on merits of the case and considering the fact that the petitioner remained on interim bail for a period of about 03 years, he was found innocent by the SHO as per the enquiry report dated 04.09.2015; an application was moved for releasing the petitioner in the case vide Annexure P3; no report under Section 173 Cr.P.C. was filed for a period of 03 years and also in view of the fact that sample parcels were sent to the FSL, after a gap of 07 months, this petition is disposed of with a direction to the petitioner to

appear to appear before the trial Court within a period of 01 week from today and the trial Court will release the petitioner on interim bail on furnishing bail/surety bonds.

(ARVIND SINGH SANGWAN)
JUDGE

07.05.2018
yakub

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