

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

**CRM NO. M-22130 OF 2018
DATE OF DECISION : 01.06.2018**

Sukhpal Singh @ Sukh

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Vivek Salathia, Advocate for
Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.5 dated 20.01.2018 under Section 21 of the NDPS Act registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 255 gms of heroin has been allegedly recovered from him. He further contends that the report of chemical examiner has not been received till date, although four months have elapsed.

Learned counsel has referred to a judgment of a co-ordinate Bench of this Court in the case of "***Inderjeet Singh @ Laddi v. State of Punjab***" 2014 (3) RCR (Criminal) 953, wherein it has been held that in case where the report of chemical examiner is not received, the petitioner is entitled to concession of interim bail.

Learned State counsel, upon instructions from ASI Kulwinder Singh, states that the report of chemical examiner is still awaited.

Heard.

The FIR was registered on 20.01.2018 and the petitioner was arrested on the same date. Over four months have elapsed and the report of chemical examiner has not been received.

Therefore, in view of law laid down by a co-ordinate Bench of this Court in the case of ***Inderjeet Singh @ Laddi's case (supra)***, I deem it appropriate to grant the concession of interim bail to the petitioner till the receipt of report of chemical examiner.

Consequently, the petition is partly allowed. The petitioner shall be released on interim bail subject to furnishing adequate bonds to the satisfaction of Illaqa Magistrate/trial Court.

However, this order shall remain in operation till the receipt of FSL report. The petitioner shall file an undertaking that on the receipt of report of chemical examiner, he shall surrender before the trial Court, for further proceedings.

(ANUPINDER SINGH GREWAL)
JUDGE

JUNE 01, 2018

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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO