

212.

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

CRM-M-31139-2018

Date of decision:19.09.2018.

VISHAL KUMAR ALIAS RINKU

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashish Naik, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.101 dated 16.04.2018 registered under Section 21(c) of NDPS Act at Police Station Arya Nagar, Rohtak.

As per the FIR, petitioner was found in possession of 1000 tablets of OPCOD-N 2.5 (BUPRENORPHINE 2MG).

Learned counsel appearing on behalf of petitioner argues that the petitioner is in custody since 16.04.2018. Report of the Chemical Examiner has not yet been received in the case. The prosecution has submitted incomplete challan, therefore, in the absence of FSL report, it is difficult to ascertain whether the alleged contraband recovered from the petitioner falls within the ambit of NDPS Act or otherwise. Trial Court cannot proceed with the matter in the absence of FSL report. Therefore, so

long as the Chemical Examiner's report is not received in the case, the petitioner be released on interim bail.

On the other hand, learned State counsel, on instructions from ASI Udham Singh, states that FSL report in the case is awaited and challan was presented on 12.06.2018, though without the FSL report.

Since petitioner is stated to be in custody since 16.04.2018 and in the absence of FSL report, it cannot be ascertained as to whether the recovered contraband falls within the ambit of NDPS Act or otherwise, this Court finds that the petitioner deserves to be admitted on interim bail.

Accordingly, without commenting upon the merits of the case but taking into consideration the judgment of this Court in **Inderjeet Singh @ Laddi & ors. Versus State of Punjab 2014(3) RCR (Criminal) 953**, 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 till the FSL report become available in the case.

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

19.09.2018
sanjeev

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