

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

CRM-M-43941 of 2018(O&M)

Date of Decision: 10.10.2018

Balwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: - Mr. Amit Arora, Advocate,
for the petitioner.

Mr. V.G Jauhar, Sr. DAG, Punjab.

RAJ SHEKHAR ATTRI, J. (ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.79 dated 14.07.2018, registered under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chohla Sahib, District Tarn Taran.

Learned State counsel states that the report of Forensic Science Laboratory has not been received. It is not clear whether recovered material falls within the ambit of NDPS Act.

Without expressing any opinion on merits of the case and keeping in view that the report of Forensic Science Laboratory is not received, the petitioner is ordered to be released on bail, till the presentation of the report of Forensic Science Laboratory, on furnishing bail bonds and surety bonds to the satisfaction of concerned Illaqa/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions

mentioned in Section 437(3) Cr.P.C.

(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.

However, it is made clear that if the recovered material is found to be falls within commercial quantity, then the petitioner is directed to surrender before the learned trial court/Duty Magistrate.

The petition stands disposed of accordingly.

10.10.2018

monika

Whether speaking/reasoned

Whether Reportable

(RAJ SHEKHAR ATTRI)
JUDGE

Yes/No

Yes/No