

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

CRM-M No. 5637 of 2018

DATE OF DECISION :- March 06, 2018

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Avtar S. Khinda, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

This petition for interim regular bail has been filed by petitioner Sukhdev Singh @ Sukha, an accused in F.I.R. No. 159 dated 24.12.2017 for offence under Section 22 of the NDPS Act registered with Police Station Fattu DHINGA, District Kapurthala.

The recovery amounts to commercial quantity. The report from FSL has admittedly not been received. The petitioner had filed a petition for interim bail before Judge, Special Court, Kapurthala but the same was declined vide order dated 29.1.2018, though law laid down by a Division Bench of this Court in ***Inderjeet Singh @ Laddi and others Versus State of Punjab 2014(3) R.C.R. (Criminal) 953*** was noticed. Therefore, the petitioner has approached this Court for grant of interim bail.

Notice of the petition was given to the State. Learned State

counsel has filed the custody certificate showing that the petitioner is in custody for more than 2 months and 7 days and is not shown to be involved in any other criminal case.

A perusal of the authority ***Inderjeet Singh @ Laddi and others Versus State of Punjab*** (supra) goes to show that it was observed therein that Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter consider the case after the receipt of the report.

In this case, F.I.R. was registered on 24.12.2017 and challan has been filed in the Court but despite passing of more than two months, report from the Chemical Examiner has not yet been received. Therefore, it would be proper and appropriate to grant temporary interim bail to the petitioner in view of the ratio of ***Inderjeet Singh @ Laddi and others Versus State of Punjab*** (supra).

The Judge, Special Court, Kapurthala has not considered the matter properly while refusing this concession. Accordingly, the petition is accepted and petitioner Sukhdev Singh @ Sukha is ordered to be released on interim bail subject to his furnishing personal bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala, who may impose necessary terms and conditions to ensure that the petitioner does not abscond. This concession will last till report from the FSL, Kharar is not received. The moment the report is received, this order granting interim bail to the petitioner would come to an end and petitioner would be liable to surrender in the Court immediately, failing which the

Court concerned would be at liberty to forfeit the bonds and order arrest of the petitioner by issuing the warrants against him.

The petition is disposed of accordingly.

(H.S. MADAAN)
JUDGE

March 06, 2018
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No