

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7876-2018 (O&M)
Date of Decision: 28.02.2018

Mohammad Mukeem & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Himanshu Puri, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners seek the benefit of regular bail in case F.I.R. No.27 dated 9.11.2017 under sections 21 and 29 of N.D.P.S Act, registered at Police Station, SSOC, District Amritsar.

Learned counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 1 kg of heroin was effected from the petitioners herein.

Petitioners were arrested on the spot i.e. on 9.11.2017.

Learned State counsel upon instructions from ASI Tejvir Singh would concede that till date report of the Chemical Examiner has not been received. As such, without report of the Chemical Examiner the question as to whether offence under the N.D.P.S Act is made out or not would still be open.

Petitioners are not stated to be involved in any other case under the N.D.P.S Act.

Under such circumstances, petitioners are held entitled to the concession of interim bail.

In taking such view, this Court would draw support from a Division Bench judgement of this Court in ***Inderjeet Singh @ Laddi & others Vs. State of Punjab, 2014(3) RCR (Criminal) 953.***

Petitioners be enlarged on interim bail subject to satisfaction of the Trial Court/Duty Magistrate, Amritsar.

It is, however, observed that if upon the FSL report being furnished and the alleged recovery made from the petitioners makes out an offence under the N.D.P.S Act, they shall be taken into custody forthwith.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.02.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No