

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9568-2018

Date of decision: - 17.04.2018

Rajan Shah

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Batra, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.4 dated 16.01.2018, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner confines his prayer for granting interim bail to the petitioner for the reason that the report from Chemical Examiner has not been received so far.

Learned counsel for the petitioner contended that the petitioner is in custody since 16.01.2018 and alleged recovery is 12 KG *Ganja*, which is non-commercial in quantity. He has cited the Division Bench judgment of this Court i.e. **Inderjeet Singh @ Laddi and others Versus State of Punjab, 2014(3) RCR (Criminal) 953** in support of his contention that in such an eventuality interim bail is to be granted to the

accused.

On the other hand, learned State counsel has opposed the bail application on the premises that in case the petitioner is released on bail he shall not cooperate with the trial.

Heard learned counsel for the parties and perused the paper book.

Undisputedly, the petitioner is in custody since 16.01.2018 and the recovery of 12 KG of *Ganja* is non-commercial in nature. Moreover, the FSL report was sent on 20.01.2018 and the same is yet to be received.

Under the above circumstances and keeping in view the ratio of the **Inderjeet Singh's** judgment (supra) the present petition is disposed of with a direction that the petitioner be released on interim bail, subject to the satisfaction of learned trial Court/Duty Magistrate, till receipt of FSL report.

It is made clear that adequate surety be obtained by the learned trial Court/Duty Magistrate for its full satisfaction.

It is clarified that the interim bail will come to an end automatically, the moment report from Chemical Examiner is received by the learned trial Court and he would be liable to surrender in the Court forthwith.

Petition is disposed of in the above terms.

April 17, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?
Whether reasoned/speaking?

Yes
Yes