

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

**CRM-M No.10415 of 2019
Decided on: 12.03.2019**

Rajiv Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bikramjit Aroura, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.79 dated 28.02.2015, for offence punishable under Sections 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station 'A' Division, District Amritsar.

Counsel for the petitioner has submitted that the sample was sent after 16 days of the recovery effected from the petitioner and the petitioner was granted interim bail awaiting the report of FSL on 18.04.2015 and when the report was received after a period of 04 years, the interim bail granted to the petitioner was cancelled on 19.01.2019 and the petitioner is in custody since then. It is further submitted that in the intervening period, the petitioner has never misused the concession of interim bail.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is not involved in any other case under the NDPS Act.

Without commenting anything on merits of the case, considering the fact that there is a delay of 16 days in sending the sample and the report was received after a period of 04 years and during the intervening period, when the petitioner was on interim bail, he has not misused the concession of bail; he is not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.03.2019

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No