

Crl. Misc. No. M-36324 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-36324 of 2018

DATE OF DECISION:01.02.2019

Sanjeev Kumar @ Sanju

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. HS Hooda, Senior Advocate with
Mr. Chander Shekhar Singh, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Sanjeev Kumar @ Sanju for grant of regular bail in case FIR No. 236 dated 6.5.2018 registered under Section 22 of the NDPS Act at Police Station City Bahadurgarh, District Jhajjar.

Vide order dated 28.8.2018, the petitioner was ordered to be released on interim bail till the next date of hearing as report of Forensic Science Laboratory was not received and the same was ordered to be produced on the next date of hearing.

Learned senior counsel for the petitioner submits that no independent witness was associated at the time of recovery. There is no compliance of mandatory provisions of the NDPS Act. Investigation has

been concluded as the challan has been presented. The custodial interrogation is not required. All witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel submits that the FSL report has been received and as per the report the quantity is commercial.

No doubt, after presentation of the challan, the petitioner has been appearing before the trial Court as there was interim bail. Now the case before the trial Court is fixed for 23.4.2019. Let the petitioner appear/surrender before the trial Court within a period of one week from the date of receipt of a certified copy of the order and move an application for regular bail. In case such application is moved, the same shall be decided by the trial Court in accordance with law within a period of ten days thereafter. Till the decision of the application, the interim order shall continue.

Disposed of accordingly.

February 01, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No