

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

203

**CRM-M-45496-2019
Date of decision: 15.11.2019**

Tarlochan Singh @ Kalu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manu Loona, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for the grant of regular bail in case FIR No.0122 dated 10.08.2019 under Section 22/61 of the NDPS Act, 1985 registered at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner has argued that the petitioner, along with his co-accused, is alleged to have been apprehended with conscious possession of intoxicant tablets. The petitioner has been falsely implicated. The petitioner is in custody since 10.08.2019. FSL report in this case has not been received so far and it cannot be said that the tablets which were allegedly recovered from his possession fall under the ambit of NDPS Act, 1985.

The bail application has been opposed by the learned State counsel who has argued that the petitioner, who along with his co-accused, was found in conscious possession of intoxicant tablets, has committed serious offence but conceded that FSL report has not been received.

Keeping in view the facts and circumstances of the case, particularly the fact that the FSL report in the case has not been received so far but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of interim regular bail till receipt of FSL report.

Therefore, the petition is allowed and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of personal and surety bond(s) to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Fazilka.

15.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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