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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55672-2018
Date of decision-15.01.2019

Purushotam Dass

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Amit Chaudhary, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner Purushotam Dass son of Panna Lal has filed this petition under Section 439 of Code of Criminal Procedure for grant of regular bail in case FIR No.140 dated 25.02.2017 under Sections 22-B of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Ratia, District Fatehabad.

The contraband recovered from the petitioner is 153 strips of alpraxone 0.5 which falls within the purview of the NDPS Act. The interim bail was granted to the petitioner on 13.07.2017 on the ground that FSL report has not been received. The relevant portion of the order dated 13.07.2017 reads as under:-

“In the instant case, the petitioner is in custody since 25.2.2017 i.e. for a period of more than four months and

*report from the office of Chemical Examiner/FSL is still awaited. As such, in view of the ratio of the authority in **Inderjeet Singh @ Laddi's** case (supra), the petitioner is found entitled to interim bail and the petitioner is ordered to be released on **interim bail**, subject to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Fatehabad, who may impose necessary terms and conditions to ensure that the petitioner does not abscond. The petitioner would be liable to surrender in the Court of learned Additional Sessions Judge, Fatehabad immediately when report of Chemical Examiner is received there.*

In that way, the present petition is disposed of accordingly.”

This fact is not disputed by learned State counsel that the petitioner was released on interim bail and later on he surrendered on 06.08.2018 after submission of the FSL report. Learned State counsel has also filed the custody certificate on behalf of Deputy Superintendent, Central Jail No.2, Hissar. He further apprised the Court that only 04 witnesses have been examined out of 15 cited witnesses.

It is also not disputed that during the period of interim bail w.e.f. 13.07.2017 to 06.08.2018 i.e. more than a one year, the petitioner was not found involved in any other similar case. It is further argued that the concession of interim bail was never misused by the petitioner.

Without commenting anything upon merits of the case and considering the above facts and the fact that trial is likely to take some more time, the petitioner, namely, Purushotam Dass is admitted to regular bail

subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

15.01.2019
vanita

(MANOJ BAJAJ)
JUDGE

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