

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

105

**CRM-M-10306-2020
Date of decision: 20.03.2020**

Jagdish Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.234 dated 26.11.2019 under Sections 21, 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") registered at Police Station Sidhwan Bet, District Ludhiana.

Briefly stated the facts relevant for disposal of the present petition are that the above-said FIR was registered against the petitioner and his co-accused Harbans Singh on the basis of secret information. Pursuant thereto they were arrested and recovery of 270 grams intoxicant powder and 100 grams heroin was made from their possession.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The mandatory provisions of the NDPS Act were not complied with. No independent witness was joined by the police. The petitioner is not involved in any other case under the NDPS Act. The FSL report has not been received so far. Co-accused Harbans Singh has already been granted interim regular bail till receipt of FSL report by this Court vide order dated 26.02.2020. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having kept in his possession huge quantity of the contraband. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that FSL report in the case has not been received so far.

Thereupon, learned counsel for the petitioner has restricted his prayer made in the petition to grant of interim bail till receipt of FSL report.

In view of the fact that the FSL report in the case has not been received so far and observations of this Court in Para No.54 of the judgment passed in ***Inderjeet Singh @ Laddi and others Vs. State of Punjab : 2014(3) RCR (Criminal) 953*** favouring release of accused on interim bail till receipt of FSL report 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 disposed of and the petitioner is ordered to be released on interim regular bail till receipt of FSL report

on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

On receipt of FSL report, the petitioner shall surrender and apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

20.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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