

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

**CRM-M No.11081 of 2020
Date of Decision:17.03.2020**

Gurpal Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.96 dated 17.07.2018 registered under Section 22 of NDPS Act at Police Station Sirhali, District Tarn Taran.

Vide order dated 17.9.2018 passed by the Additional Sessions Judge, Tarn Taran, interim bail was granted to the petitioner till the receipt of report of chemical examiner.

It was made clear that on receipt of report of chemical examiner, the order granting interim bail would automatically cease to operate and the petitioner shall be bound to surrender before the Court with a liberty to pursue his regular bail application or to file fresh regular bail before the Trial Court in accordance with law.

It is not in dispute that report of chemical examiner has

been received in the Court along with challan presented by the police.

The only submission of learned counsel for the petitioner is that at the time of submitting report under Section 173 Cr.P.C. on 07.12.2019, a notice was required to be given to the petitioner by the Trial Court.

Having considered the submissions made by learned counsel for the petitioner, I find that even if notice was to be issued to the petitioner by the Trial Court on receipt of challan, it would not have made any difference in the present case as the interim bail granted to the petitioner stood automatically cancelled with deeming fiction on the date of receipt of report of chemical examiner. The rigor of order dated 17.9.2018 had gone on the date of receipt of report of chemical examiner, therefore, in view of condition laid down in the order dated 17.09.2018. Now, the petitioner is required to surrender before the Court and apply for regular bail in accordance with law.

In the event of surrendering and filing a petition for grant of regular bail, the Trial Court shall proceed to decide the same at the earliest in accordance with law.

Petition stands disposed of.

March 17, 2020

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Whether speaking/reasoned
Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No
Yes/No