

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

**CRM-M-12403-2020
Decided on: 15.05.2020**

Kamaljit	Versus	 Petitioner
State of Punjab		 Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.0011 dated 28.01.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS'), registered at Police Station Rahon, District SBS Nagar.

Notice of motion.

Learned State counsel, who is already having the instructions in the matter put appearance on behalf of the State of Punjab.

Learned counsel for the petitioner at the outset instead of pressing for regular bail prays for interim bail till the receipt of FSL report.

As per the allegations of the prosecution, recovery is of 27 intoxicating injections mark BUPRENORPHINE 02 ml and 27 bottles of AVIL-10 ml.

Concededly, the AVIL is not falling within the purview of NDPS Act and the petitioner is in custody since 28.01.2020, but till date, FSL report has not been received in the matter. Since the petitioner is in custody for the last more than three months and the FSL report is yet to be received, therefore, this Court is inclined to grant the interim bail to the petitioner.

Consequently, the petition is disposed off. Petitioner is ordered to be released on interim bail on his furnishing bail bonds/ surety bonds to the satisfaction of the CJM/ Duty Magistrate, concerned till the receipt of FSL report.

However, it is clarified that in case the FSL report is received adverse to the petitioner, he shall surrender before the trial Court forthwith and if there is a failure, the learned trial Court shall take recourse to secure the presence of the petitioner.

(MAHABIR SINGH SINDHU)
JUDGE

15.05.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No