

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

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**CRM-M NO.48992 of 2019
Date of decision : 03.02.2020**

Pargat singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

ARUN KUMAR TYAGI,J. (ORAL)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No. 244 dated 19.09.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Dhuri, District Sangrur during pendency of the trial.

As per the prosecution version on 19.09.2019, the police party headed by ASI Fateh apprehended the petitioner on the basis of secret information and on search as per prescribed procedure recovered 900 tablets of Tramadol from his possession.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Mandatory provisions of the NDPS Act were not complied with. No independent witnesses was joined. The petitioner is not involved in any other case of

similar nature. The petitioner is in custody since 19.09.2019. The trial is likely to take long time. FSL Report has not been received so far. Therefore, the petitioner may be granted regular bail or interim bail till receipt of FSL Report.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offence by keeping 900 tablets of Tramadol in his possession and does not deserve grant of bail. Therefore the petition may be dismissed.

However, the learned State Counsel has conceded that FSL Report has not yet been received.

In view of the facts and circumstance of the case but without commenting on merits, the petition is allowed and the petitioner is ordered to be released on interim bail till receipt of FSL Report on furnishing of bail bonds to the satisfaction of Trial Court.

The petitioner shall be bound to surrender on the date to be notified by the Court on receipt of FSL Report and the question of grant of regular bail to the petitioner shall be open to be decided by the trial Court on application to be submitted by the petitioner.

03.02.2020

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No