

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

216-A

**CRM-M-52009-2019
Date of Decision : 09.01.2020**

Sher Ali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Saqib Ali Khan, Advocate
for the petitioner.

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

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.111 dated 23.09.2019 registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Ahmedgarh, District Sangrur.

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 NDPS Act have not been 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. The petitioner is in custody since 23.09.2019. Trial is likely to take long time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other land, learned State Counsel has argued that the petitioner is accused of having kept in his possession huge quantity of the contraband. 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 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* 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 allowed 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 concerned. On receipt of FSL report, the petitioner shall 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.

09.01.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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