

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

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**CRM-M-54291-2019
Date of Decision : 09.01.2020**

Gurpreet Singh @ Boora and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rohit Kumar, Advocate
for the petitioners.

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

ARUN KUMAR TYAGI, J. (Oral)

The petitioners have filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.212 dated 18.09.2019 registered under Sections 15 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Nathana, District Bathinda.

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 petitioners has argued that the petitioner have 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 petitioners are not involved in any other case under the NDPS Act. The FSL report has not been received so far. The petitioners are in custody since 18.09.2019. Co-accused Lakhvir Singh has already been granted interim regular bail by this Court vide order dated 29.11.2019. Trial is likely to take long time and no purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other land, learned State Counsel has argued that the petitioners are accused of having kept in his possession huge quantity of narcotic/psychotropic substances. 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 petitioners deserve the concession of interim regular bail till receipt of FSL report.

Therefore, the petition is allowed and the petitioners are 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 petitioners 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