

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

(Sr. No. 102)

**CRM-M No. 13489 of 2021
Date of decision : 28.09.2021**

Paramjit Singh @ Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Rajeev Kumar Sharma, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.132 dated 11.12.2019 registered under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sadar Phagwara, district Kapurthala.

The petitioner is being prosecuted for having been found in illegal possession of 920 grams of intoxicant tablets containing Tramadol Hydrochloride.

In view of the law laid down by a Division Bench of this Court in *Interjit Singh @ Ladi Vs. State of Punjab 2014 (3) R.C.R. (Criminal) 953*, for want of FSL report the Trial Court granted interim bail to the petitioner but only after he filed an undertaking that if on the receipt of the FSL report it is found that the intoxicant substance recovered from him was covered under the definition of “narcotics” under the NDPS Act, he would surrender before the Trial Court and in such eventuality the benefit of interim

bail shall be deemed to have been automatically cancelled.

On receipt of the FSL report the substance recovered from the petitioner is found to be Tramadol Hydrochloride which comes under the definition of “narcotics” under the NDPS Act. However, the petitioner, in terms of his undertaking, did not surrender before the Trial Court and has chosen to seek anticipatory bail.

A perusal of the order of the Trial Court granting interim bail to the petitioner clearly reveals that the same was being granted only for want of FSL report and subject to an undertaking to be filed by the petitioner that in case the FSL report reveals that the intoxicant substances recovered from him comes under the definition of “narcotics” under the NDPS Act, he would have to surrender before the Trial Court and the benefit of interim bail shall be deemed to have been automatically cancelled. The petitioner filed the said undertaking and after accepting the conditions so imposed in the order, enjoyed the benefit of interim bail. Therefore, now he cannot wriggle out of his undertaking especially when, as per the FSL report he has been found in illegal possession 920 grams of Tramadol Hydrochloride.

Dismissed.

28.09.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No