

205.

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

CRM-M-13921-2021

Date of decision: 05.04.2021.

OM PARKASH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.26 dated 12.01.2021 registered under Section 20 of NDPS Act at Police Station Narnaund, District Hansi.

As per FIR, the petitioner was found in possession of 30 kg of ganja.

Learned counsel appearing on behalf of petitioner has argued that the petitioner is in custody since 12.01.2021. Report of the Chemical Examiner has not yet been received in the case. The prosecution has submitted incomplete challan, therefore, in the absence of FSL report, it is difficult to ascertain whether the alleged contraband recovered from the petitioner falls within the ambit of NDPS Act or otherwise. Trial Court cannot proceed with the matter in the absence of FSL report. Therefore, so long as the Chemical Examiner's report is not received in the case, the

petitioner be released on interim bail. There is no other case against the petitioner.

On the other hand, learned State counsel states that FSL report in the case is awaited and challan has been presented, though without the FSL report. She does not dispute the custody and the quantity.

Since petitioner is stated to be in custody since 12.01.2021 and in the absence of FSL report, it cannot be ascertained as to whether the recovered contraband falls within the ambit of NDPS Act or otherwise, this Court finds that the petitioner deserves to be admitted on interim bail.

Accordingly, without commenting upon the merits of the case but taking into consideration the judgment of this Court in ***Inderjeet Singh @ Laddi & ors. Versus State of Punjab 2014(3) RCR (Criminal) 953***, the petitioner is ordered to be released on interim bail, on his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court till the FSL report become available in the case.

However, it is made clear that if on receipt of Chemical Examiner's report, it is found that the alleged recovery made from the petitioner falls under the NDPS Act, he shall be taken in custody forthwith.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

05.04.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.