

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

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CRM-M-43763 of 2021
Date of Decision : 27.10.2021

Davindrera Singh @ Debendra Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Godara, Advocate for
Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.148 dated 30.07.2021 registered under Sections 270, 274, 266 & 420 of the IPC and Sections 18-A & 18 (c) of the Drugs and Cosmetics Act, 1940 at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner argues that though, it has been alleged in the FIR that 95 Oxytocin injections were recovered from the petitioner, which is stated to be an offence under the Drugs and Cosmetics Act, 1940 but, even as of now, no FSL report has been received to verify the contents of the recovered drug. Learned counsel for the petitioner submits that the challan has already been presented and as the trial is likely to take some time before it concludes, the petitioner be granted the benefit of

regular bail.

Learned State counsel on instructions from ASI Balkar Singh concedes the factum that the FSL report to verify the contents of the injections is yet to be received and the challan has already been presented. Learned State counsel submits that in case, after the receipt of FSL report, if any banned drug is found in the injections, the supplementary challan will be submitted.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the investigation is already over and the challan has also been submitted and the trial is likely to take some time before it concludes, especially, in view the fact that the contents of the injections are yet to be verified through FSL report, no useful purpose will be served by keeping the petitioner behind the bars. Hence, the petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner and will maintain a good conduct while on bail. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders. However, the grant of regular bail in the present case will be subject to any supplementary challan, if any to be submitted, by the police.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

October 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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