

241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:121917
CRM-M-26170-2023

Date of Decision: September 15, 2023

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tarun Kumar, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

In case FIR No.243, dated 20.08.2022, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana, petitioner was allowed interim bail, vide order dated 20.10.2022 (Anneuxre P-5) till the receipt of FSL report. One of the conditions of the interim bail as granted on 20.10.2022 is as under:-

iv) that he will surrender before court on receipt of the information given to him by the Investigating officer or police official regarding receipt of FSL report and on his appearance in the court he may apply for regular bail which shall be considered in view of the report of FSL.”

Learned counsel for the petitioner has drawn attention towards the impugned order dated 10.03.2023 (Annexure P-7), as per which the moment FSL report was received and the recovered quantity found to be commercial, the bail granted to the petitioner, was cancelled. Learned counsel contends that no information was ever given to the petitioner regarding receipt of the FSL report, as per one of the conditions in the order dated 20.10.2022. Learned counsel further submits that petition is ready to surrender before the Trial Court concerned.

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Learned State counsel could not refute the aforesaid contention to the effect that on receipt of the FSL, no intimation was sent to the petitioner.

Having regard to the aforesaid circumstances, order dated 10.03.2023 (Annexure P-7) is hereby quashed. However, the petitioner is directed to surrender before the Trial Court concerned within 15 days from today and apply for the regular bail. Till disposal of that application for regular bail, petitioner will not be taken into custody. If petitioner fails to surrender within 15 days of this order, then necessary consequences as per law shall follow.

Disposed of.

September 15, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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