

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-36074-2023

Date of Decision:01.08.2023

Balkar Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kulbhushan Raheja, Advocate
 for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.59 dated 25.05.2023 registered under Section 22(b) of NDPS Act, 1985, at Police Station Jhabal, District Tarn Taran.

As per version of the prosecution, on 25.05.2023, a police party headed by ASI Manpreet Singh was on patrolling duty and a Sikh gentlemen came on foot from the eastern side of the bridge over the small canal. On seeing the police party, he took U-turn and after taking out a polythene envelope of black colour from the right side pocket of his lower, he threw the same. He was apprehended by the police on suspicion and on inquiry, he disclosed his name as Balkar Singh son of Jaswant Singh, resident of Village Bhojjan. An inquiry was made from him with regard to the contents of the polythene bag and he stated that he was having tablets in the same. On checking the envelope, 295 tablets were recovered from the same. After

following the due procedure, the accused Balkar Singh was arrested and 295 open tablets of some narcotic substance were taken into possession by the police. With these main allegations, the FIR in the present case was registered against Balkar Singh, petitioner.

Learned counsel for the petitioner contends that the petitioner has been wrongly arrested in the present case on 25.05.2023. He further contends that the FSL report is still awaited and till such time, the FSL report is not being received, the petitioner is entitled to concession of interim bail by this Court. Learned counsel further submits that even the procedure for search and seizure of the contraband has not been properly followed by the police, while arresting the petitioner and effecting the alleged recovery. He further relies upon the law laid down in the matter of “Inderjit Singh @ Ladi Vs. State of Punjab” 2014(3) RCR (Criminal) 953.

On the other hand, learned counsel appearing on behalf of the State of Punjab has vehemently opposed the grant of concession of bail to the petitioner on the ground that the petitioner was arrested at the spot and does not deserve the concession of bail. However, even the learned State counsel does not dispute the fact that the FSL report has not been received so far.

I have heard the learned counsel for the parties and perused the record.

The petitioner was arrested in the present case on 25.05.2023 and as per the admitted case of the parties, the FSL report is still awaited and the trial shall formally commence only after the receipt of the FSL report, so no meaningful purpose would be served by keeping the petitioner in custody. Even

under similar circumstances, interim bail has been allowed by this Court in the matter of Jagseer Singh Vs. State of Punjab; 2022 (1) PLR 368 and CRM-M-26659-2018, decided on 02.07.2018 titled as Vikram @ Vicky Vs. State of Haryana.

At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/ Duty Magistrate, till the FSL report is received. The petitioner shall submit an undertaking before the trial Court/ Duty Magistrate along with his bail/surety bonds that he will surrender before the trial Court on receiving the FSL report, However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

01.08.2023

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**(N.S.SHEKHAWAT)
JUDGE**

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