

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45717-2023

Date of Decision: 19.09.2023

Bunty Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Amandeep Singh Samra, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.80 dated 15.06.2023 registered under Sections 22, 29, 61, 85 of NDPS Act, at Police Station Barnala, District Barnala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that during investigation of the matter, the petitioner was nominated as an accused and he was arrested on 16.07.2023 from his house. He further contends that recovery of the alleged contraband was planted on him and the report of the FSL is yet to be received and keeping in view the law laid down in the matter of ***"Inderjeet Singh @ Laddi and others Vs. State of Punjab"*** 2014(3) RCR (Criminal) 953, the petitioner is entitled to concession of interim bail.

3. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner. He further submits that 150 intoxicant tablets of Alprasafe-0.5 was recovered from him, during the investigation and he 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.

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

5. The petitioner was arrested on 16.07.2023 and is in custody for the last 02 months 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.

6. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on interim bail on execution of adequate personal bond and surety bond to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, 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.

19.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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