

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

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CRM-M-58581-2022

Date of decision: 10.08.2023

Prabhjeet Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. G.S.Kaura, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J

1. Prayer in this petition is for grant of regular bail in FIR No.210 dated 08.08.2022 registered under Sections 21, 25 and 29 of NDPS Act, 1985, at Police Station Division No.8, District Police Commissionerate Jalandhar.
2. Learned counsel for the petitioner pleads no instructions.
3. Learned State counsel on instructions from ASI Nirmal Singh submits that the petitioner has not surrendered in compliance to the direction passed by this Court on 22.12.2022.
4. Heard
5. The order dated 22.12.2022 passed by this Court reads thus:

“Learned counsel for the petitioner has submitted that the petitioner is in custody from 08.08.2022 and till date even the FSL Report has not been received by the police with a result he has faced incarceration for more than 4 months. He has specifically stated that the petitioner is not involved in any other case under the NDPS Act and the alleged recovery of intoxicant material regarding which no ascertainment has been made by the FSL Laboratory as of date was 250 grams and assumingly, if it is heroin, then the same is only 2 grams higher than the commercial quantity and aforesaid quantity also includes plastic bag. He submitted that considering the fact that the petitioner is not involved in any other case under the NDPS Act and while relying upon a Division Bench of this Court in 'Inderjeet Singh @ Laddi and others vs. State of Punjab' [2014 (3) RCR (Criminal) 953], he may be considered for the grant of interim bail till the time FSL report is recieved by the police.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has submitted on instructions that it is correct that the petitioner is in custody from 08.08.2022 and FSL report

has not been received as yet. It is also correct that the petitioner is not involved in any other case under the NDPS Act.

In view of the above and in the light of Division Bench judgment of this Court in Inderjeet Singh @ Laddi and others vs. State of Punjab(Supra), the petitioner shall be released on interim bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned till the time the FSL report is received by the police. On the receipt of the FSL report, the petitioner shall surrender before the police/Court. It is made clear that on the receipt of FSL report by the police, it shall be the duty of the Investigating Officer to inform the petitioner or his counsel with regard to the receipt of the FSL report by way of written communication. Adjourned to 22.02.2023.”

6. On 17.03.2023, this Court had passed the following order:

“State counsel apprised the Court that report of FSL has been received, as per which, case of the petitioner comes under commercial quantity.

In the meantime, the petitioner is hereby directed to surrender in compliance of order dated 22.12.2022.

Now be listed on 19.5.2023.”

7. Despite granting sufficient time, the petitioner did not comply with the aforesaid orders.

8. Keeping in view the fact that the recovery involved in the present case falls under commercial quantity and the petitioner has scant regard to the orders passed by this Court, the present petition is hereby dismissed.

10.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No