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

**CRM-M-58703-2022 (O&M)
Date of Decision: 02.08.2023**

PARKASH CHAND**.. Petitioner****Vs.****STATE OF PUNJAB****..Respondent****CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

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

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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AVNEESH JHINGAN, J. (Oral)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.112 dated 25.08.2022, registered under Sections 20 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Ahmedgarh, District Malerkotla (Annexure P-1).

2. The petitioner was granted interim bail by this Court vide order dated 21.12.2022 on the ground that the FSL report is awaited.

3. The petition under Section 439 Cr.P.C. was rejected by the Special Judge, Sangrur on the ground that in the absence of FSL report, it cannot be determined whether the recovery is commercial or non-commercial.

4. Learned counsel for the petitioner submits that now the report has been received and the recovered contraband is Sulfa. He further submits that the petitioner has not misused the concession of interim bail granted to him and he has no criminal antecedent.

5. Learned State counsel opposes the prayer and submits that in the FSL report, the recovered contraband has been mentioned as Sulfa (charas).

6. Without commenting upon the merits of the case and considering that the petition under Section 439 Cr.P.C. was rejected only on the ground of non-receipt of FSL report, the present petition is disposed of with the direction to the petitioner to surrender before Court concerned within ten days from today and apply for bail.
7. There is no doubt that in eventuality of the petitioner surrendering before the Court concerned within ten days from today and applying for bail, the same would be considered expeditiously within three days.

02.08.2023
Jasmine Kaur

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No