

Major Singh @ Gagan

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Yashpal Thakur, 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 in case FIR No.73 dated 13.09.2023 registered under Section 22-C, 61, 85 of NDPS Act, at Police Station Bassi Pathana, District Fatehgarh Sahib, Punjab.

2. As per story of the prosecution, on 13.09.2023, SI Angrej Singh along with other police officials were present at Nandpur-Kalour road T-point Maira, in connection with patrolling and checking of bad elements. At about 8.10 p.m., one cropped hair person carrying black colour polythene bag in his right hand was coming from Nandpur Kalour side. On seeing the police party, he got perplexed and tried to turn back. On suspicion, he was intercepted with the help of police officials. On asking, he disclosed his name as Major Singh @ Gagan son of Mohan singh. On search of his polythene bag, 17 leaves of intoxicant tablets of Lomotil each containing 60/60 tablets (total 1020 tablets) was recovered from the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. 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.

4. 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. However, even the learned State counsel does not dispute the fact that the FSL report has not been received so far.

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

6. The petitioner was arrested on 13.09.2023 and is in custody for the last three 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.

7. 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.

8. 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.

14.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No