

CRM-M-9784-2024

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9784-2024 (O&M)

Date of Decision: 29.02.2024

LAKHWINDER SINGH @ LAKHA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 133 dated 22.09.2023 registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Jhabal, District Tarn Taran.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner alongwith two other co-accused were apprehended by the police on 22.09.2023 and 640 tablets were found from their possession. Learned counsel for the petitioner relies upon Division Bench judgment of this Court passed in *Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR (Criminal) 953* and seeks the relief of interim bail in view of the ratio of law laid down in the aforementioned case. The final report under Section 173 Cr.P.C. has not been filed. Moreover, the entire bulk of 640 tablets has not been sent and only 10 tablets recovered from three accused including the petitioner have been sent to the Forensic Science Laboratory. As such it can not be concluded that the contents of all 640 intoxicating tablets would be covered under the ambit of NDPS Act, 1985. The petitioner is behind the bars since 22.09.2023.

3. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the conclusion of the investigation and filing of the report of the FSL would take long time. In view of the ratio of law laid down in *Inderjeet Singh @ Laddi's (supra)*, the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned till the filing of the final report under Section 173 Cr.P.C.
4. Accordingly, the present petition is disposed of in the above terms. However, liberty is granted to the petitioner to seek regular bail after surrendering before the learned trial Court in case the final report under Section 173 Cr.P.C. is filed against him by the investigating agency.
5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

29.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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