

Jatinder Kumar @ Tejinder Kumar @ Boota Vs. State of Punjab

CIS No.BA/3020/2021

CNR No.PBHO010086162021

Present: Sh.Sandeep Sharma, Adv., ld.counsel for applicant/accused
Sh.RS Makkar, ld.APP for State

This order of mine shall dispose of the present interim bail application moved by the applicant/accused Jatinder Kumar @ Tejinder Kumar @ Boota in FIR No.178, dated 26.10.2021, U/S 27/22/61/85 of NDPS Act, PS Mahilpur, District Hoshiarpur, wherein it has been alleged that the applicant/accused was apprehended on 26.10.2021 when he was allegedly found to be in possession of one currency note of Rs.10/- folded in round shape for consuming the intoxicants and a lighter whereas his co-accused Pardeep Kumar was found in possession of 15 intoxicant injections. The ld.counsel for applicant/accused has pressed for bail on the ground that the applicant/accused is in custody since 26.10.2021 and he has been falsely implicated in the present case and nothing was recovered from him. Further, alleged recovered contraband from the possession of his co-accused falls in the non commercial category and moreover, the report of Chemical Examiner has not been received yet and in the absence of FSL report at this stage, benefit of interim bail may be granted. The applicant/accused undertakes to abide by all the terms and conditions to be imposed by this court and not to abscond or tamper with the prosecution evidence. Hence, prayer was made for admitting the applicant on interim bail.

On the other hand, ld.APP for State has contested the bail application by advancing the arguments.

In the present case, applicant/accused has been arrested on 26.10.2021 and from him, one currency note of Rs.10/- folded in round shape for consuming the intoxicants and a lighter whereas his co-accused Pardeep Kumar was found in possession of 15 intoxicant injections. Ld.APP for the State has brought to the notice of the court that FSL report has not been received yet. He also submitted that there is no certain time to receive the chemical report from FSL. In these circumstances, it cannot be said as to how much time it will take in receiving the report of chemical examiner. In view of the law laid down

in **“Inderjit singh @ Laddi Vs. State of Punjab, 2014(3) RCR(CrL), 953(DB)”**. The applicant/accused is given the benefit of interim bail till the receipt of report of Chemical Examiner and ordered to be released on **interim bail** on furnishing bail bonds in the sum of **Rs.1.00 lac(Rs.one lac only) with one surety** in the like amount, with an undertaking that if on receipt of report of chemical examiner, the contents of intoxicant substance involved in this case makes the contraband in the category of commercial quantity, as per the provisions of NDPS Act, then the applicant/accused will have to appear, surrender before the court and the benefit of interim bail shall be deemed to have been automatically cancelled. Thus, this is conditional order of interim bail subject to the result of report of chemical analysis. The present interim bail application stands disposed of accordingly. Nothing observed above shall have affect on merits of the case. Bail application file be tagged with the remand papers. Police record be returned.

Pronounced
Dated: 23.12.2021

(Jatinder Kaur-II)
Judge, Special Court, Hoshiarpur
(UID No.PB0062)

Rakesh Kumar, JW

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Arguments heard. Vide my separate detailed order of even date, present interim bail has been disposed off. Bail application file be tagged with the remand papers. Police record be returned.

Pronounced
Dated: 23.12.2021

(Jatinder Kaur-II)
Judge, Special Court, Hoshiarpur
(UID No.PB0062)

Rakesh Kumar, JW