

**IN THE COURT OF SH. K.K.SINGLA,
JUDGE, SPECIAL COURT, SANGRUR
UID NO. PB 0197.**

Bail application No. 37 of 03.02.2018.

Computer ID no. 300/2018.

CNR No.PBSG01-000970-2018.

Decided on : 08.02.2018.

Harpreet Singh alias Ranjha son of Hakam Singh, resident of Dharamgarh,
Tehsil Sunam, District Sangrur.

.....Accused/applicant.

Versus

State of Punjab.

FIR No. 03 dated 10.01.2018.

U/s 2261/85 of ND & PS Act.

P.S. Dharamgarh.

**Application under Section 439 Cr.P.C. and for interim
bail.**

Present: Sh. Sukhwinder Pal, Advocate, counsel for applicant/accused.
Sh. Kesar Singh, Addl. PP for the State.

ORDER

1. This order of mine will dispose of application for regular bail under Section 439 of Cr.P.C and request for interim bail moved by applicant Harpreet Singh, in case FIR No. 03 dated 10.01.2018, U/s 2261/85 of ND & PS Act, P.S. Dharamgarh.
2. Notice of the application was given to the State.
3. Shri Kesar Singh, learned Addl. PP put his appearance on behalf of State.

4. Record has been called.

5. Contention of Sh. Sukhwinder Pal, Advocate counsel for the accused/applicant is that accused/applicant has been falsely implicated and he is in custody.

6. On the other hand, contention of Sh. Kesar Singh, Addl. PP for the State is that allegations against the accused/applicant are very serious and result of contraband recovered from accused is still awaited.

7. So far as regular bail is concerned, 120 intoxicant tablets were recovered from the possession of accused Harpreet Singh. Result of Forensic Science Laboratory is still awaited. In this eventuality, no case for regular bail is made out. Hence, regular bail application moved by accused/applicant namely Harpreet Singh is dismissed at this stage.

8. Along with this regular bail application, request is for grant of interim bail has also been filed by accused/applicant.

9. As per the prosecution case, 120 intoxicant tablets were recovered from the possession of accused Harpreet Singh on 10.01.2018 and he is in custody since then. The FSL report has not been received so far.

10. I have heard the learned counsel for the applicant Sh.Sukhwinder Pal, Advocate and learned Addl. PP for the State. While relying upon the pronouncement of Hon'ble Punjab and Haryana High Court in Criminal Misc No. M-13140 of 2012. Mr. Attri, Advocate contended that in this case FSL report has not been received. So, accordingly applicant/accused is entitled for interim bail.

11. Learned Addl. PP for the State opposed the bail application and stated that on this ground accused/applicant can not be released on interim bail.

12. Submissions have been considered and papers have been perused.

13. ASI Surjit Singh posted at P.S. Dharamgarh came present who stated that 120 intoxicant tablets were recovered from the possession of accused Harpreet Singh on 10.01.2018.

14. Our own Hon'ble Punjab and Haryana High Court **in Criminal Misc No. M-13140 of 2012 titled as "Inderjit Singh @ Laddi Versus State of Punjab** and in connected petitions has held that in case where reports of chemical examiners are delayed, the offenders would be entitled to interim bail, till the report is finally received. The FIR was registered on 10.01.2018 and Chemical report has not been received yet. Thus, in view of the judgment of Hon'ble High Court, the applicant is entitled to interim bail. The applicant is ordered to be released on interim bail, subject to his furnishing bonds in the sum of Rs. 50,000/- with one surety in the like amount, to the satisfaction of Illaqa/ Duty Magistrate, subject to following condition:-

1. That he will appear in the Court on each and every date
2. That he will not leave the country without prior permission of Court.
3. That he will not try to interfere with the investigation or

influence with the witness in any manner.

15. The personal undertaking of accused as well as undertaking of surety to produce the accused in the Court be taken. Interim bail is accordingly allowed. SHO of concerned Police Station will give intimation to this court as and when FSL report received. Papers be tagged with the main remand papers/challan.

Announced in open Court.

Dated : 08.02.2018.

(K.K. Singla)
Judge, Special Court,
Sangrur. (UID No.0197)

Sapna
Stenographer-II.

Present: Sh. Sukhwinder Pal, Advocate, counsel for applicant/accused.
Sh. Kesar Singh, Addl. PP for the State.

Heard. Vide my separate detailed order of even date, bail application stands disposed of as detailed therein. Papers be tagged with the main remand papers/challan.

Announced in open Court.

Dated : 08.02.2018.

(K.K. Singla)
Judge, Special Court,
Sangrur. (UID No.0197)

Sapna
Stenographer-II.