

State Versus Hardip Singh BA 2715

Present: Shri Gagandeep Singh Brar, Advocate for accused-applicant.
Shri S.S.Latala, Addl.PP for the State.

HC Tarsem Singh submits that FSL report has not been received till date. The accused-applicant is in custody since 30.09.2017 for the past almost 3 months.

2. This case pertains to recovery of 50 grams of narcotic powder. Despite granting repeated adjournments, FSL report has not been received. The bail application cannot be kept pending endlessly, especially when the accused is incarcerated for the past almost three months.

2. Learned counsel for accused-petitioner has submitted that the accused is in custody for the past about 3 months. It was prayed that if benefit of regular bail cannot be extended, the accused may be enlarged on interim bail till receipt of report of FSL.

3. I have given thoughtful consideration to this submission of learned counsel for accused-applicant.

4. No definite date has been provided by which FSL report would be received. The accused is in custody since 30.09.2017 for the past almost three months. In this regard I have placed reliance in case titled as **Inderjit Singh @ Laddy Versus State of Punjab 2014(3)RCR(Criminal) 952,** wherein Division Bench of our own Hon'ble High Court has been pleased to hold that if matter is being unnecessarily delayed due to non-receipt of FSL Report, Special Court may release applicant-accused on interim bail till receipt of report of Chemical Examiner. In view of the law laid down in the above said authority, the application seeking interim regular bail is allowed and the accused-applicant is ordered to be released on interim bail on his furnishing personal bonds in the sum of Rs.25,000/- with one surety in the

like amount subject to the following conditions:-

1. That he shall attend the Court on each and every date of hearing;
2. that he shall not commit an offence similar to the offence on which he is accused, or suspected, of the commission of which he is suspected;
3. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade him from disclosing such facts to the Courts or to any police officer or tamper with the evidence and
4. That he shall not leave the country without prior permission of the Court.

However, it is made clear that this order will remain operative till receipt of report of chemical Examiner as to contents of intoxicant tablets and in the event of the contents of intoxicant tablets being found to be commercial quantity, this order of interim bail shall become inoperative.

FSL report be awaited till 02.02.2018.

Pronounced
22.12.2017
*Jaswant Kaur
Stenographer Gr.II

(Tarsem Mangla)
Judge Special Court, Moga
UID No. PB04900