

In the Court of Sh.Sachin Sharma, Judge,Special Court, Kapurthala

B.A. No.2552 dated 30.08.2017
CNR No.PBKP01-003970-2017
Date of order: 05.09.2017
Next date of hearing: 31.10.2017

Jagir Singh alias Bittu son of Shingara Singh, resident of village Nawan Pind Bhathe, District Kapurthala.

...Applicant/Accused

Versus

State of Punjab.

FIR No.59 dated 03.07.2017.
U/s 22/61/85 NDPS Act.
P.S.Fattudhinga, District Kapurthala.

(Application for interim bail)

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Present: Sh.Suresh Chopra Advocate, for applicant/ accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State
alongwith Investigating Officer.

ORDER

Ld. counsel for the accused/applicant has filed an application for interim bail. Accordingly, I have heard on the application for interim bail filed on behalf of applicant-accused by his Counsel alongwith this file of main bail application file. Ld. Counsel for the applicant-accused submitted that report of Chemical Examiner has not still received. Learned Counsel for the applicant-accused submitted that applicant-accused has been lying in custody since 03.07.2017. Inordinate delay in receipt of report of Chemical Examiner has already occurred. Still it is not certain that when the same was to be received. Ld. Counsel

for the applicant-accused while relying upon the the law laid down by our Hon'ble High Court (DB) in ruling reported in **“Inderjit Singh alias Laddi Vs. State of Punjab (DB) RCR 2014(3) page 953”** submitted that if the report of Chemical Examiner is not received and inordinate delay has occurred, then, the applicant/accused can be given benefit of interim bail till the receipt of report of Chemical Examiner.

2. On the other hand, the learned Addl.PP submitted that gravity of offence is quite serious, so the accused/applicant is not entitled to interim bail.

3. I have paid a considerable thought to above said submissions and perused the file.

4. As per prosecution story in brief is that on 03.07.2017 from the possession of the accused/applicant 248 intoxicant tablets were recovered. Applicant-accused has been lying in custody since 03.07.2017, but report of Chemical Examiner has not yet been received. On asking from Ld. Addl. PP for the State as well as Investigating Officer, they replied that nothing can be said when said report will be received.

5. So, keeping in view the circumstances that inordinate delay as discussed above has already occurred in the receipt of report of Chemical Examiner and still Investigating Agency is not sure when the same will be received. Until and unless report/result from the office of Chemical Examiner is not received, it cannot be said what kind of Intoxicant substance is containing in the alleged intoxicant tablets. So, keeping in view these facts and circumstances and in view of law laid down in above said ruling of our Hon'ble High Court in **Inderjeet**

Singh's case(supra), applicant-accused Jagir Singh alias Bittu is given benefit of interim bail and application to this effect filed on his behalf is accepted and applicant-accused is ordered to be released on interim bail on executing bail bond in the sum of Rs.40,000/- with one surety of like amount to the satisfaction of Ld. Illaqa/Duty Magistrate with an undertaking that if on receipt of report of Chemical Examiner any other such kind of salt/ingredient reported to be contained in the alleged tablets involved in this case and makes the contraband of the category of commercial quantity as per the provisions of N.D.P.S.Act, then the applicant-accused will have to appear/surrender before the Court and the benefit of present interim bail shall be deemed to have been cancelled. Now, file of this bail application is adjourned for 31.10.2017 for awaiting report of Chemical Examiner and for consideration.

Pronounced in open Court.
Dated: 05.09.2017
Rajinder

(Sachin Sharma)
Judge, Special Court,
Kapurthala