

Present: Sh.Aakash Kumar Gupta, Advocate, counsel for the applicant/ accused.
Sh.Rakesh Kumar, Additional Public Prosecutor for the State.

Arguments on bail application moved by applicant/accused

Gurinder Singh @ Gagan under section 439 Cr.PC in this case bearing **FIR no.22 dated 06.08.2018 under Section 21 of NDPS Act,1985 Police Station Patara, District Jalandhar**, heard. Record is perused.

As per allegations of the prosecution, 6 gram heroin was recovered from the possession of applicant/accused Gurinder Singh @ Gagan. He was arrested on **06.08.2018** and has been remanded to judicial custody since 07.08.2018. The report of Chemical Examiner has not been received so far. Division Bench of Hon'ble Punjab & Haryana High Court in **Criminal Misc. No.1140 of 2012 decided on 30.01.2014** titled as **“Inderjit Singh @ Ladi vs State of Punjab”** has held that “in case there is delay, this would entitle the offender of at least interim bail till the report is finally received”. So keeping in view the above said recovery from the possession of applicant/accused, I am of the view that accused is entitled to get interim bail till report of Chemical Examiner is finally received as per ratio of the above said Judgment. Accordingly, the above named applicant/accused is ordered to be released on interim bail till receiving of Chemical Examiner report subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount subject to

condition that applicant/accused will neither leave the country without prior permission of the Court nor applicant/accused will tamper with the witnesses of the prosecution. However, it is made clear that the concession of interim bail granted to the accused/ applicant shall stand cancelled automatically and the bail bonds as well as surety bonds furnished on his behalf shall be forfeited if on the basis of report of Chemical Examiner, the contraband allegedly recovered from the possession of the applicant/ accused is found to be fallen in the commercial quantity. In case contraband allegedly recovered from the possession of the accused found to be fallen in non commercial quantity, the interim order shall be confirmed automatically and bail bonds and surety bonds furnished by him as per this order shall be ordered to be treated as bail bonds and surety bonds against the final order. The accused/ applicant is further directed to surrender in the Court in case contraband allegedly recovered from his possession falls in commercial quantity on receipt of report of the Chemical Examiner.

Pronounced:

Dated:13.09.2018

(Sham Lal),
Judge, Special Court,
Jalandhar

[UID Number PB0123]

manjit singh, stenographer