

**In the Court of Shri Kuljit Pal Singh , Judge Special
Court, Jalandhar**

BA No. 314/18

CNR No. PBJL010008082018

Date of order: 1.2.2018

**Jarnail Ram, aged about 50 years son of Pakhar Ram R/o
Village Mau Sahib Tehsil Phillaur District Jalandhar.**

.....Petitioner

Versus

State of Punjab

.....Respondent

**FIR No.451 dated 26.12.2017
Under Section 22 of NDPS Act 1985
Police Station Phillaur, Jalandhar.**

.....

Bail application Under Section 439 Cr.PC

Application for grant of Interim bail

Present: Sh. Haminder Syal Adv for the petitioner.
Sh. Sachin Azad Addl. PP for the state.

ORDER

1. This order of mine will dispose of an application, for grant of interim bail, filed in an application under Section 439 of Code of Criminal Procedure, by above accused, in above FIR, Under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 , Police Station Phillaur, Jalandhar.

2. Notice of the bail application was issued to the State, and Sh. Sachin Azad learned Addl P.P , is present to represent the state. Police Record was also summoned and received.

3. I have heard learned counsel for applicant/accused, learned Assistant P.P. for the State, and have carefully gone through the record.

4. Learned counsel for the applicant/ accused argued that

no recovery was effected from the possession of the accused. Rather, he has been falsely implicated in this case. He is in custody since long. The matter is being un-necessarily delayed for want of report of Chemical Examiner. He has requested that accused be released on interim bail till the receipt of report of Chemical Examiner and he is ready to comply with the terms and conditions to be imposed by the Court in granting the bail. In support of his contentions, he has placed reliance upon **“Inderjeet Singh @ Laddi and others Versus State of Punjab” 2014(3) Recent Criminal Reports 953, wherein it has been held by the Hon'ble Punjab and Haryana High Court that Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter consider the case after the receipt of the report.**

5. On the other hand, the learned Assistant P.P for the State opposed the application and has prayed for dismissal of the same.

6. **The court has considered the rival contentions raised by the learned counsel for the accused and the learned Assistant P.P for the State and has gone through the record, minutely.**

7. Perusal of the record shows that instant FIR, was registered against accused Jarnail Ram , on the allegations that on 26.12.2017 recovery of 15 gms of intoxicant powder was effected from the possession of accused. Since then, he is in custody. Although, the sample taken from the contraband has been sent for analysis to the office of Chemical Examiner Punjab, but the report has not yet received. The nature of substance so recovered can only be ascertained on receipt of report of Chemical Examiner. But since, matter is un-necessarily being delayed and receipt of report of Chemical Examiner is likely to take time, so, keeping in view the quantity of the intoxicant powder, allegedly recovered from the accused and relying upon Judgment in case titled as **Inderjeet**

Singh @ Laddi and ors Vs. State of Punjab referred **apra** , this court is of the view that, the chemical examiner may more time to complete the analysis. As such, application is allowed and accused is ordered to be released on interim bail till the receipt of report of Chemical Examiner, on his furnishing personal bonds in the sum of **Rs.50,000/- with one surety in the like amount** , with further direction that he shall not leave the country without prior permission of the Court.

8. **However, it is made clear that if on receipt of report of Chemical Examiner,/Forensic Science Laboratory, quantity of recovered intoxicant powder is found to be of commercial quantity under the Act, the relief of interim bail will come to an end automatically and accused has to be surrender in the Court and will be taken into custody, without any further order of cancellation of his interim bail and then, his regular bail application will be decided accordingly.**

9. In case, contraband allegedly recovered from the possession of 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 the interim bail order shall be ordered to be treated as bail bonds and surety bonds against the final order. Accordingly, the present bail application is disposed of. File of bail application be attached with the remand papers.

Note: Certified that all the three pages of this order are signed by me and have been dictated and typed directly on computer.

**Pronounced in open Court.
Dated:1.2.2018**

*Dimple Khosla**

**(Kuljit Pal Singh)
Judge Special Court,
Jalandhar**

Jatinder Kumar Vs. State of Punjab.

Present: Sh Harminder Syal Adv for the petitioner.
Sh. Sachin Azad Addl. PP for the state.

Application for interim bail of accused filed. A written report has been sent by the prosecution, which is placed on file. Arguments heard. Record perused. Vide my separate order of even date, application for interim bail has been allowed.

Now, the challan be awaited till 20.3.2018.

Dated: 1.2.2018
*Dimple Khosla**

(Kuljit Pal Singh)
Judge Special Court,
Jalandhar

Next dated :20.3.2018
Purpose: