

Jagdeep Singh Vs. State of Punjab

CIS No.BA/2329/2021

CNR No.PBHO010064522021

Present: Sh.Sandeep Sharma, Adv., Id.counsel for applicant/accused
Sh.RS Makkar, Id.APP for State

This order of mine shall dispose of the present interim bail application moved by the applicant/accused Jagdeep Singh @ Deepa in FIR No.155, dated 4.9.2021, U/S 22/61/85 of NDPS Act, PS Haryana, District Hoshiarpur, wherein it has been alleged that the applicant/accused was apprehended on 4.9.2021 when he was allegedly found to be in possession of 67 gram intoxicant powder. The Id.counsel for applicant/accused has pressed for bail on the ground that the applicant/accused is in custody since 4.9.2021 and he has been falsely implicated in the present case and nothing was recovered from him. Further, alleged recovered contraband falls in the non commercial category and moreover, the report of Chemical Examiner has not been received yet and in the absence of FSL report at this stage, benefit of interim bail may be granted. The applicant/accused undertakes to abide by all the terms and conditions to be imposed by this court and not to abscond or tamper with the prosecution evidence. Hence, prayer was made for admitting the applicant on interim bail.

On the other hand, Id.APP for State has contested the bail application by advancing the arguments.

In the present case, applicant/accused has been arrested on 4.9.2021 and from him, 67 gram intoxicant powder was recovered. Id.APP for the State has brought to the notice of the court that FSL report has not been received yet. He also submitted that there is no certain time to receive the chemical report from FSL. In these circumstances, it cannot be said as to how much time it will take in receiving the report of chemical examiner. In view of the law laid down in **“Inderjit singh @ Laddi Vs. State of Punjab, 2014(3) RCR(Crl.), 953(DB)”**. The applicant/accused is given the benefit of interim bail till the receipt of report of Chemical Examiner and ordered to be released on **interim bail** on furnishing bail bonds in the sum of **Rs.1.00 lac(Rs.one lac only) with one surety** in the like amount, with undertaking that if

on receipt of report of chemical examiner, the contents of intoxicant substance involved in this case makes the contraband in the category of commercial quantity, as per the provisions of NDPS Act, then the applicant/accused will have to appear, surrender before the court and the benefit of interim bail shall be deemed to have been automatically cancelled. Thus, this is conditional order of interim bail subject to the result of report of chemical analysis. The present interim bail application stands disposed of accordingly. Nothing observed above shall have affect on merits of the case. Police record be returned and bail application file be tagged with the remand papers.

Pronounced	(Jatinder Kaur-II)
Dated: 4.10.2021	Judge, Special Court, Hoshiarpur
	(UID No.PB0062)

Rakesh Kumar, JW