

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

B.A. No.169 of 23.01.2018
CNR No.PBKP01-000430-2018
Date of order: 08.02.2018
Next date of hearing: 05.03.2018

Sutikashan Minhas alias Sonu Minhas son of Paramjit, r/o House No.64/12, Mohalla Kaimpura, P. S. City, District Kapurthala.

...Applicant/Accused

Versus

State of Punjab.

FIR No.148 of 08.12.2017,
U/s 22/61/85 NDPS Act,
P.S.Fattudhinga, District Kapurthala.

(Application for interim bail)

Present: Sh.Gitesh Gupta Adv., counsel for the applicant/accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State
alongwith Investigating Officer.

O R D E R

Learned 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 along with this file of main bail application file. Learned 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 08.12.2017. 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. Learned counsel for the applicant-accused while relying upon the the law laid down by our Hon'ble High Court (DB) in ruling reported in **“Inderjeet 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 08.12.2017 from the possession of the accused/applicant 260 grams intoxicant powder were recovered. Applicant-accused has been lying in custody since 08.12.2017, but report of Chemical Examiner has not yet been received. On asking from learned 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 powder. 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 Sutikashan Minhas alias Sonu Minhas 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 learned 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 powder 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 05.03.2018 for awaiting report of Chemical Examiner and for consideration.

Pronounced in open Court.
Dated: 08.02.2018
Rajinder

(Sachin Sharma)
Judge, Special Court,
Kapurthala.