

**IN THE COURT OF RAMAN KUMAR, JUDGE SPECIAL COURT,
KAPURTHALA**

Rani, wife of Gajjan Singh, resident of Village Dogranwal, at present
Village Lakhan Khole Dere District Kapurthala.

----- Applicant/accused.

Versus

State of Punjab

----- Respondent

B.A. No. 1447 of 20.08.2019

CNR No. PBKPO1-00-0041402019

FIR No. 86 dated 23.06.2019

Under Section : 21/61/85 of NDPS Act,

Police Station : Subhanpur

District Kapurthala.

Present: Sh.Suresh Chopra, Advocate for the applicant /accused.
Ld.Addl. PP for the State with HC-Balwant Singh.

Heard on the bail application filed by the applicant-accused
under Section 439 Cr.P.C. alongwith application praying for grant of ad-
interim bail. The case of the prosecution is that on 23.06.2019, in the area
within the ambit of police station Subhanpur, accused Rani was
apprehended and from her possession 640 intoxicant tablets of orange
colour and 02 grams heroine were recovered.

The counsel for the applicant/accused has submitted that the
applicant/accused is lying in custody since 23.06.2019. Further ld. counsel
for the applicant/accused has submitted that as per allegations leveled in the
FIR recovery of 640 intoxicant tablets of orange colour and 02 grams
heroine was effected from the possession of the applicant/accused, whereas
nothing was recovered from the applicant/accused and false recovery has
been planted upon her. The ld. counsel for the applicant/accused has
submitted that it will take time in receiving the report of chemical examiner.
Applicant/accused has filed an application for interim bail. The same may

be considered. He has further submitted that our Hon'ble High court in **“Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)”** has laid-down that where inordinate delay has already occurred in receipt of report of chemical examiner, the applicant/accused can be given the benefit of interim bail till the receipt of report of chemical examiner.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. Ld. Additional PP for the State, has brought to my notice 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 can not be said as to how much time it will take in receiving the report of chemical examiner. Applicant/accused is lying in custody since 23.06.2019. In view of the law laid-down in **“Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)”**, in the interest of justice applicant/accused is given the benefit of interim bail till the receipt of report of chemical examiner and is ordered to be released on interim bail on furnishing bail bonds in the sum of Rs. 75,000/- with one surety in the like amount, with an undertaking that if on receipt of report of chemical examiner if the contents of the 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 present 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. Ld. Additional PP for the State may also apply for cancellation of interim bail granted to accused on receipt of FSL report, if alleged recovery falls in commercial category. Accordingly, the present bail application stands disposed off. Bail application be attached with the file of concerned FIR. Police record be returned to the concerned quarter.

Pronounced in open court

Dated : 22.08.2019

(Munish)

(Raman Kumar),
UID-PB0183
Judge Special Court
Kapurthala