

Narinder Kumar @ Sukha Vs State 1444 of 2018
CNR No PBH001-004422-2018

FIR No. 69 dated 6.7.2018
U/s 22 of ND&PS Act
Police Station: Mehtiana

Present: Sh Vikram Bhalla advocate for applicant-accused.
Shri Pawanpreet Singh Addl. PP for the State.

ORDER

1. This order shall dispose of an application moved for grant of interim bail so moved alongwith application for regular bail, to the accused Narinder Singh @ Sukha son of Hari Dass resident of village Rajpur Bhaiyan P.S Mehtiana Distt. Hoshiarpur.
2. The learned counsel for the applicant-accused submits that the accused was allegedly found in conscious possession of 300 intoxicating tablets of TRM-SPAS and he is in custody since 6.7.2018. The report of Chemical examiner is not being submitted and the accused is languishing in the jail. So, it is prayed that accused be ordered to be released on interim bail and in case the report of chemical examiner is received and it is found that the alleged recovery from the accused falls within the commercial limit he will surrender in the court.
3. On the other hand the learned Addl. PP for the State has opposed the bail application on the ground that the recovery of narcotic is serious offence. As such there are chances that accused may flee from the justice in case he is granted interim bail.
4. I have considered the submissions of the parties. In pronouncement by our own Hon'ble High Court in case titled as Inderjit Singh @ Laddi and others Vs State of Punjab reported vide 2014(3) RCR (Criminal)-953, our own Hon'ble High Court has held that where the report is not being received from the Forensic Laboratory, in those circumstances interim bail be granted to the

accused. So keeping in view the law cited therein, this court is of the considered opinion that since the report of chemical examiner has not been received, it would not be justified to keep the accused in custody for indefinite period. So the application for interim bail is allowed. The applicant/accused is ordered to be released on interim bail on his furnishing personal bonds in the sum of 100,000/- with one surety in the like amount to the satisfaction of Illaqa/Duty Magistrate. It is made clear that in case it is found that the recovered article falls within the limit of commercial quantity, accused would have to surrender and face the trial. File be attached with the remand papers and the main bail application shall be decided when the report of Chemical examiner is produced. Separate direction be issued to the concerned Forensic Science Laboratory to expedite the report after complete analysis.

Announced.

24.8.2018

Kulvinder Singh

Stenographer-I

(Parminder Singh Rai),
Judge, Special Court,
Hoshiarpur
UID No. PB-0175