

Sukhpal Singh vs. State

CNR No. PBSG01-006358-2019

CIS No.1970/2019

Case FIR No.59 dated 24.07.2019.
under Section 22/61/85 of NDPS Act
P.S. Dirba.

Application for interim bail.

Present:- Shri Yogesh Gupta, Advocate for accused-
applicant
Shri Hussan Bansal, Addl. Public Prosecutor for the
State

ORDER

1. This application for interim bail has been filed by applicant Sukhpal Singh son of Jaswinder Singh, resident of Dullat Patti, Longowal, District Sangrur in case bearing FIR No. 59 dated 27.04.2019, under Section 22/61/85 of NDPS Act registered at P.S. Dirba.

2. The facts in this case, in brief, are that on 27.04.2019, 580 intoxicant injection of LEEGESIC and 390 intoxicant injections of Promethazine Hydrochloride injection IP Phenergan were recovered from the conscious possession of accused-applicant. He is in custody since then. The FSL report has not been received so far in this case.

3. Learned counsel for the applicant has stated that the applicant may be granted interim bail as the quantity of the recovered drug cannot be ascertained in the absence of the FSL report. It is also submitted that on the basis of law settled in **Inderjit Singh @ Laddi and others Versus State of Punjab, 2014 (3) RCR (Criminal) 953**, interim bail to the applicant may be granted till the receipt of the FSL report.

4. I have considered the arguments and have gone through the record carefully.

5. In the above mentioned case, Hon'ble High Court has held that if there is any delay in obtaining report of the Chemical Analyst from which the quantity of the recovered drug is to be ascertained, then the offender would be entitled to interim bail till the report is finally received. The applicant, who is in custody since 27.04.2019, is thus entitled to be released on interim bail, as the FSL report has not been received.

6. The prosecution was granted sufficient time to obtain the FSL report from the laboratory, but so far report has not been received. The applicant is in custody since 27.04.2019. In view of these facts, the bail application is disposed of and interim bail is granted to the applicant till the receipt of FSL report. The applicant is directed to furnish bail bonds in the sum of 1,00,000/-with one surety of the like amount, subject to the following conditions:-

- i) that he shall not interfere in the investigation and shall not tamper with the evidence of the prosecution;
- ii) that he shall remain present in the court on every date of hearing;
- iii) that he shall not leave India without prior permission of the Court and
- iv) that he will surrender before this Court within one week, when the FSL report is received and seek regular bail afresh.

Papers be attached with the remand papers/main file.

Pronounced.
12.07.2019.

(Jasjit Singh Bhinder),
Judge, Special Court,
Sangrur.

