

**In the Court of Raman Kumar,
Additional District and Sessions Judge-IV, Kapurthala**

CNR No. PBKP010055692019

Case No. BA/1998/2019



Presented on : 24-10-2019

Registered on : 24-10-2019

Decided on : 01-11-2019

Suraj Kalyan, aged 35 years, son of Roshan Lal, resident of H.No.202 WD Ali Mohalla, P.S.Division No.4 Jalandhar.

----- Applicant/accused.

Versus

State of Punjab

----- Respondent

FIR No. 213 of 25.08.2019

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

Police Station : City Phagwara.

District Kapurthala.

Present: Sh.V.K.Puri, Advocate for the applicant /accused.
Sh.Anil Kumar, Ld.Addl. PP for the State.

Heard on 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 25.08.2019, in the area within the ambit of police station City Phagwara, accused Suraj Kalyan was apprehended and from his possession 400 grams Heroin was recovered.

Ld.Counsel for the applicant/accused has submitted that the applicant/accused is lying in custody since 25.08.2019. Further Ld.Counsel for the applicant/accused has submitted that as per allegations leveled in the FIR recovery of 400 grams Heroin was effected from the possession of the applicant/accused, whereas nothing was recovered from the applicant/accused and false recovery has been planted upon him. The

Ld.Counsel for the applicant/accused has submitted that it will take time in receiving the report of chemical examiner. The applicant/accused has also filed an application for interim bail. 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. It is further argued that since the report of FSL has not yet been received, the accused can be given the benefit of interim bail despite the fact that the recovery is allegedly falls under commercial category. In this regard, Ld.Counsel for applicant/accused placed reliance upon case law titled **Sanjay Versus State of Haryana Criminal Court Judgments 2018(4) 119.**

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 25.08.2019. In view of the law laid-down in **“Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)”**, the 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.1,00,000/- 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 : 01.11.2019
(Munish)

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