



CRM-M-51907-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51907-2025

Date of decision: 26.09.2025

MANDEEP KAUR ALIAS BAMANI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE **SUBHAS MEHLA**

Present: Ms. Simsi Dhir, Advocate for the petitioner.

SUBHAS MEHLA, J (Oral):

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.93 dated 14.06.2025 under Section 21/61/85 of NDPS Act, 1985 registered at Police Station Mahilpur, District Hoshiarpur.
2. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case and nothing has been recovered from him. He further contended that till date it is not ascertained whether it is contraband or not as no FSL report has been received till date. Furthermore, the petitioner is in custody since 14.06.2025 i.e. for the last more than 03 months.
3. Notice of motion.
4. Mr. Nitesh Sharma, DAG, Punjab, accepted the notice on behalf of the respondent-State. Learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the investigation is still pending in this case. Further, it is submitted that the FSL report has not been received in this case and three more FIRs have also been registered against the petitioner.



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5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that FSL report has not been received without which, it is difficult to determine that under which category, the intoxicating powder recovered falls and also it is impossible to determine whether such powder falls under the category of commercial quantity or non-commercial quantity. The Division Bench of this Court in ***Inderjeet Singh @ Laddi vs. State of Punjab, CRM-M No.13140 of 2012***, decided on 31.01.2014 laid down that delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. Relevant paragraph of judgment passed in ***Inderjeet Singh @ Laddi's case (supra)*** is reproduced as under :

“Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. In Sukhwant Singh v. State of Punjab, (2009) 7 SCC 539, it has been held by the Hon'ble Supreme Court as follows:-

.....following the decision of this Court in Kamlendra Pratap Singh v. State of U.P. (2009) 4 SCC 437 we reiterate that a court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application. In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person.

When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that



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it can look into the case diary which has to be obtained from the police authorities and in the meantime the applicant has to go to jail. Even if the applicant is released on bail thereafter, society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide Deepak Bajaj v. State of Maharashtra, (2008) 16 SCC 14. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.

Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report.”

7. In view of the above, present petition is disposed of with a direction that the petitioner be released on interim bail by the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned till the FSL report is received in this case and on receiving the same if the quantity is found to be commercial quantity, the petitioner will surrender himself before the trial Court concerned and move an application for regular bail, which shall be decided by the Court concerned, in accordance with law.

(SUBHAS MEHLA)
JUDGE

26.09.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |