

Law Today Live Doc. Id. 15727

PUNJAB AND HARYANA HIGH COURT

Before: Suvir Sehgal, J.

CRM-M No.37544 of 2020

Decided on: 16.12.2020

Jagan Singh @ Jagna Baba

Petitioner

Versus

State of Haryana

Respondent

Present:

Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), Section 22 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- NDPS case -- Interim bail -- FSL report in the case has not been received so far -- Petitioner deserves the concession of interim regular bail till receipt of FSL report -- Petitioner is ordered to be released on interim regular bail till receipt of FSL report -- On receipt of FSL report, the petitioner shall apply for regular bail before the trial Court. Inderjeet Singh @ Laddi's case 2014(3) RCR (Criminal) 953 relied.

(Para 4-7)

Cases referred:

1. Inderjeet Singh @ Laddi and others Vs. State of Punjab: 2014(3) RCR (Criminal) 953.

SUVIR SEHGAL J. (ORAL) –

1. The Court has been convened through video conferencing due to Covid-19 pandemic.

2. Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.86, dated 16.08.2020 registered under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 at Police Station Rori, District Sirsa.

3. Counsel for the petitioner has submitted that FSL report has not yet been received by the prosecution agency.

4. Custody certificate dated 14.12.2020 has been filed by the State. Same is taken on record. Reply has not been filed. However, in the connected petition, CRM-M-34197-2020, **Amrik Singh @ Marika Vs. State of Haryana**, filed by the co-accused, an affidavit has been filed, wherein it has been submitted that report from the FSL, Madhuban regarding the recovered contraband has not been received so far.

5. Thereupon learned counsel for the petitioner has restricted his prayer made in the petition to interim bail till receipt of FSL Report.

6. In view of the fact that the FSL report in the case has not been received so far and in view of observations of this Court in Para No.54 of the judgment passed by a Division Bench of this Court in **Inderjeet Singh @ Laddi and**

others Vs. State of Punjab: 2014(3) RCR (Criminal) 953 but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of interim regular bail till receipt of FSL report.

7. Therefore, the petition is allowed and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. On receipt of FSL report, the petitioner shall apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

Petition allowed.
