IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.18820 of 2018
Decided on: 09.05.2018

Sarabjit Singh @ Malhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.17 dated 23.01.2018, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 23.01.2018 and as per order dated 09.03.2018, the bail application of the petitioner was dismissed by the Special Court, Tarn Taran on the ground that the FSL report is still awaited. Counsel for the petitioner has relied upon ***Inderjeet Singh @ Laddi and others vs State of Punjab,*** **2014 (3) RCR (Criminal) 953**, to contend that till the report of the FSL is received, the petitioner be released on interim bail. Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and till date, the report of the FSL/Chemical Examiner has not been received.

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Learned State counsel, on instructions from ASI Sukhbir Singh, has not disputed the factual position but opposed the prayer for bail.

In view of the judgment of this Court in ***Inderjeet Singh @ Laddi's case (supra)***, wherein it has been held that awaiting the report of Chemical Examiner/FSL, the sentence of the petitioner can be suspended till receiving of such report.

Accordingly, this petition is allowed and the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illaqa Magistrate/Duty Magistrate along with his bail/surety bonds that he will surrender before the trial Court on receiving the FSL report.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.05.2018
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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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