

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-2488 of 2018
Decided on: 30.01.2018

Hari Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

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.131 dated 21.09.2017, for offence punishable under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') and 61 of the Excise Act registered at Police Station Odhan.

Counsel for the petitioner has submitted that the petitioner is in judicial custody for the last about 04 months and 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. It is also submitted that no other case under the NDPS Act are either registered or pending against the petitioner except the present case.

Counsel for the State, on instructions from ASI Gurmej

Singh, has not disputed the factual position and has filed the Custody Certificate today in the Court. As per the Custody Certificate, the petitioner is in judicial custody for the last 04 months and is not involved in any other case under the NDPS Act.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody for the last about 04 months, the present petition is partly allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Ilaqa Magistrate/Duty Magistrate. 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.

It is also made clear that on receipt of the Forensic Science Laboratory Report, the petitioner shall surrender before the trial Court.

(ARVIND SINGH SANGWAN)
JUDGE

30.01.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No