

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.28164 of 2018
Decided on: 18.07.2018**

Kishore

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.240 dated 09.03.2018, for offence punishable under Sections 21, 25 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') (Section 25 of the NDPS Act added later), registered at Police Station Karnal City, District Karnal.

Counsel for the petitioner has submitted that the first bail application of the petitioner was dismissed as withdrawn on 25.05.2018.

Counsel for the petitioner has further submitted that two of the co-accused of petitioner namely Vijay Kumar and Kartar Singh, have already been granted the concession of interim bail, awaiting the report of the Forensic Science Laboratory (FSL) and the petitioner may

also be granted the concession of interim bail in the light of the judgment passed in ***“Inderjeet Singh @ Laddi and others vs State of Punjab”***, 2014 (3) RCR (Criminal) 953.

The order dated 06.07.2018 granting interim bail to co-accused of petitioner namely Kartar Singh is reproduced as under:-

“Counsel for the petitioner has submitted that in CRM-M No.25909 of 2018 filed by co-accused of the petitioner namely Vijay Kumar, the following order has been passed:-

“This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 240 dated 09.03.2018, registered under Sections 21 and 25 of the NDPS Act at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner, at this stage, limits his prayer to the extent that since FSL report is awaited, the petitioner be granted interim bail in the light of the order dated 30.05.2018 passed in Inderjit Singh @ Laddi vs. State of Punjab, 2014 (3) R.C.R. (Criminal) 953. Learned counsel for the petitioner further submits that petitioner is not involved in any other case and he is a final year student of BAMS in Gaur Brahman Ayurvedic College, Rohtak.

Learned State counsel has filed custody certificate which is taken on record. I have heard learned counsel for the parties.

Without commenting upon the merits of the case, this petition is disposed of with a direction to release the petitioner on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Judge, Special Court, Karnal with an undertaking that he will surrender as and when the report of the FSL is received.”

*Counsel for the petitioner, at this stage, restricts his argument only to the extent that since FSL report is awaited, the petitioner be released on interim bail in the light of the judgment passed in ***“Inderjeet Singh @ Laddi and others vs State of Punjab”***, 2014 (3) RCR (Criminal) 953.*

Counsel for the State, on instructions from ASI Rohtash, has not disputed the factual position but opposed the prayer for bail.

*Without commenting anything on merits of the case and considering the fact that interim bail has also been granted to co-accused of the petitioner and 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 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.”

Counsel for the State, on instructions from ASI Rohtash, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that interim bail has also been granted to co-accused of the petitioner and 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 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.

18.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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