

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30131-2018 (O&M)
Date of decision: 25.07.2018

Rajinder Pal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.240 dated 09.03.2018 under Sections 21/25/29 of NDPS Act, registered at Police Station Karnal City, District Karnal.

Learned counsel for the petitioner submits that in CRM-M-25909-2018 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.”

Learned 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.**

Learned State counsel, 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, 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 furnishing his 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 misusing the concession of bail, in any manner.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.07.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No