

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.38047 of 2018 (O&M)
Decided on: 12.10.2018

Rakesh KumarPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Grewal, Advocate for the petitioner.

Mr. Joginder Pal Ratra, 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.56 dated 01.07.2018, for offence punishable under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Bahawala, Tehsil Abohar, District Fazilka.

Counsel for the petitioner, at the very outset, 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.

Accordingly, the main petition i.e. *CRM-M No.38047 of 2018*, which is fixed for 26.11.2018 is taken up today for hearing.

Counsel for the petitioner (*in CRM-M No.38047 of 2018*) has submitted that the petitioner is in judicial custody since 01.07.2018 and his bail application was dismissed by the Additional Sessions Judge, Fazilka vide order dated 10.08.2018.

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.

Learned State counsel, on instructions from the Investigating Officer, 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 disposed of 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/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illaq 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.

Since the main petition has been decided, the application i.e. CRM No.34549 of 2018, seeking interim bail to the petitioner also stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

12.10.2018

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No