

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40765 of 2018
Decided on: 20.09.2018

Vinod Kumar @ Jagga

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Naveen Sheoran, 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.115 dated 25.07.2018, for offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Siwan, District Kaithal.

Counsel for the petitioner has submitted that the recovery from the petitioner is 9.800 Kgs. of poppy husk and the same is of non-commercial quantity. It is further submitted that the petitioner is not involved in any other case and the FSL report is still awaited. It is further argued that the petitioner is in judicial custody since 25.07.2018.

Counsel for the petitioner, at this stage, 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 report of the FSL/Chemical Examiner has not been received.

Counsel for the State, on instructions from ASI Ramesh Kumar has not disputed the factual position, however, 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/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.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2018
yakub

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