

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

**CRM-M No.42870 of 2018
Decided on: 03.10.2018**

Malkeet Singh @ Nikka

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manvinder Sandhu, 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.0119 dated 11.08.2018, for offence punishable under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Baragudha, District Sirsa.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 11.08.2018 and his bail application was dismissed by the Additional Sessions Judge, Sirsa vide order dated 17.09.2018.

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. 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 has filed the Custody Certificate today in the Court and on instructions from SI Om Parkash, 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 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

03.10.2018
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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No