

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

**CRM-M-47012-2018
Date of decision: 05.12.2018**

Darshan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jagjit Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 0119 dated 11.08.2018, registered under Section 21 and 22 of the NDPS Act, 1985 at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner submits 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 08.10.2018 (Annexure P-1).

Learned counsel for the petitioner further submits that co-accused of the petitioner, namely Malkeet Singh @ Nikka, has already been granted concession of regular bail, vide order dated 03.10.2018, passed by this Court in **CRM-M-42870-2018** (Annexure P-3).

Learned counsel for the petitioner further submits that the report of the FSL is still awaited and 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 may be released on interim bail. Learned 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 not disputed the factual position but opposed the prayer for bail.

In the judgment of this Court in ***Inderjeet Singh @ Laddi's case (supra)***, it has been held that awaiting the report of Chemical Examiner/FSL, the accused-petitioner can be granted interim bail till the 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.

December 05, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No