

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

**CRM No.M-48098 of 2017
Decided on: 01.02.2018**

Himanshu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Jammu, 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.106 dated 29.07.2017, for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Ding, District Sirsa.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 29.07.2017 and as per order dated 20.11.2017, vide which the bail application of the petitioner was dismissed by the Additional Sessions Judge, Sirsa on the ground that the FSL report is still awaited. 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 further submits that co-accused Sukhvinder Singh @ Shera has already been granted the concession of interim bail vide order dated 03.11.2017 passed in CRM-M No.40614 of 2017.

Learned State counsel, on instructions from HC Raj Kumar, submits that till date, the FSL report has not been received.

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/Illaqa 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 involved misusing the concession of bail, in any manner.

01.02.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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