

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

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**CRM-M No.49332 of 2018.  
Date of Decision: 11.12.2018.**

Rakesh alias Rinku

....Petitioner.

Versus

State of Haryana

....Respondent.

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**CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

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**Shekher Dhawan, J.**

Present petition under Section 439 of the Criminal Procedure Code has been filed by the petitioner for grant of regular bail pending trial in case F.I.R. No.128 dated 01.09.2018 under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Baragudha, District Sirsa.

Learned counsel representing the petitioner contended that though the present petition was filed for regular bail, but he would be satisfied if the petitioner is ordered to be released on interim bail as by now report of F.S.L. has not been received and a period of more than three months has already passed.

Learned counsel for the petitioner has cited the Division Bench judgment of this Court titled as **'Inderjeet Singh @ Laddi and others Versus State of Punjab, 2014(3) RCR (Criminal) 953** in support of his contention that in such an eventuality, interim bail is to be granted to the accused.

Learned State counsel, on instructions from Sub Inspector Om Parkash, affirmed the fact F.S.L. report has not been received so far and that the petitioner was arrested in this case on 01.09.2018.

In view of the peculiar circumstances of the case, that F.S.L. report has not been received so far and it will not be just and fair to keep the petitioner behind the bar any more and keeping in view the ratio of **Inderjeet Singh's** case (supra), the petition is disposed of with a direction that the petitioner be released on interim bail till receipt of F.S.L. report, subject to the satisfaction of learned trial Court/Duty Magistrate concerned, subject to the condition that the petitioner would be required to surrender after the receipt of Chemical Examiner's report, without prejudice to the right of the petitioner to seek regular bail, thereafter, in accordance with law.

**(SHEKHER DHAWAN)**  
**JUDGE**

**11.12.2018**  
*jitender*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No