

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

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**CRM-M No.53367 of 2018.
Date of Decision: 07.12.2018.**

Vinay Kalra alias Golu

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Aakash Singla, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

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.162 dated 12.07.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Daresi, District Ludhiana.

Learned counsel representing the petitioner contended that at this stage, the petitioner be released on interim bail as F.S.L. report has not been received though the petitioner is in custody since 12.07.2018.

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 ASI Niranjan Dass, affirmed the fact F.S.L. report has not been received as yet.

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

07.12.2018

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No