

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

**CRM No.M-5561 of 2018
Decided on: 14.02.2018**

Surinder @ Shinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Avtar S. Khinda, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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.162 dated 28.12.2017, for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Fattu Dyinga, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 28.12.2017 and as per order dated 25.01.2018, vide which the bail application of the petitioner was dismissed by the Special Court, Kapurthala 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 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, on instructions from HC Sardul Singh, has not disputed the factual position and filed the custody certificate today in the Court. It is further submitted that the petitioner is not involved in any other similar case.

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, 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.

14.02.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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