

CRM-M No.5108 of 2019 (O&M)
Date of Decision : 08.02.2019

..... Petitioner

versus

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Mr. Himmat Singh, DAG, Haryana.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.816 dated 20.08.2018 registered under Section 22 of the NDPS Act 1985 at Police Station City Sirsa.

Learned counsel for the petitioner has argued that the petitioner has now been in custody since 20.08.2018 and despite the lapse of 5 ½ months the forensic report has not come and prays that at least till that time the petitioner be released on interim bail.

Custody certificate dated 06.02.2019 by way of affidavit of Varun Sinwar, Dy. Superintendent, District Prison (Sirsa), Haryana on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite.

Learned Deputy Advocate General on instructions from SI Raj Kumar has accepted that despite reminders the FSL report has not come and the petitioner has been in custody for 5 ½ months.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is partly allowed and the Chief Judicial Magistrate/Illaqa Magistrate, is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

08.02.2019

Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No