

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

**CRM-M No.6271 of 2019 (O&M)
Date of Decision : 15.02.2019**

Sunil Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Amandeep Chhabra, Advocate for
Mr. Vikas bishnoi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.540 dated 04.10.2018 registered under Section 22 (C) of the NDPS Act 1985 but during investigation Section 27-A of NDPS Act has been added at Police Station Ratia, District Fatehabad (Haryana).

Learned counsel for the petitioner has argued that the petitioner has now been in custody since 06.10.2018 and despite the lapse of approximately 5 months the forensic report has not come and prays that at least till that time the petitioner be released on interim bail.

Learned Deputy Advocate General on instructions from SI Tek

Chand has accepted that despite reminders the FSL report has not come and

the petitioner has been in custody for approximately 5 months. He further states that total intoxicant tablets recovered from the petitioner were 2030 consisting of Tramadol Hydrochloride Tablets, Prozolam and Alaprazolam Tablets.

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

15.02.2019

Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No