

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6334-2019

Date of decision: 15.02.2019

Mohan Lal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sidhu, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.143 dated 28.09.2018 under Section 21/61/85 of the NDPS Act, registered at Police Station Nathu Sarai Chopta, District Sirsa.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 01.10.2018 and his bail application was dismissed by the Additional Sessions Judge, Sirsa, vide order dated 28.01.2019 (Annexure P-2). Learned counsel for the petitioner also submits that petitioner has falsely been implicated in this case and the contraband was recovered from a car, in which two other persons were also travelling.

Learned counsel for the petitioner further submits that report of the FSL is still awaited and 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 may be released on interim bail.

Learned 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 ASI Subhash Chander, has not disputed the factual position, but opposed the prayer for bail. As per custody certificate, petitioner is in custody for the last about 03 months and is not involved in any other case.

In the judgment of this Court rendered in **Inderjeet Singh @ Laddi's** case (supra), it has been held that awaiting the report of Chemical Examiner/FSL, the accused-petitioner can be granted interim bail till the receiving of such report.

Accordingly, this petition is disposed of 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/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illaq Magistrate/Duty Magistrate 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.

[ARVIND SINGH SANGWAN]
JUDGE

15.02.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No