

CRM-M-7825-2019

Date of Decision:21.02.2019

PRITHVI SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.143 dated 28.09.2018, registered under Sections 21/61/85 of the NDPS Act, 1985 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 the report of FSL is still awaited. He further submits that the co-accused of the petitioner namely, Saddi Lal @ Shadi Ram and Mohan Lal have already granted the concession of interim bail vide order dated 21.01.2019 passed in **CRM-M-53442-2018** and **CRM-M-6334-2019**, respectively passed by this Court.

Learned counsel has relied upon **Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014 (3) RCR (Criminal) 953**, to contend that till the report of FSL is received, the petitioner may be released on interim bail. He has further submitted that the petitioner is not involved in

any other case and till date, the report of FSL/Chemical Examiner has not been received.

Notice of motion.

Learned State counsel accepts notice and submits that he has sought instructions telephonically from Inspector Jai Bhagwan that FSL report is still awaited.

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/Illqa Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illqa 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

February 21, 2019

Jyoti-I Whether speaking/reasoned Yes/No Whether Reportable Yes/No