

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

221

**CRM-M No.10981 of 2019.
Date of Decision: 14.03.2019.**

Rihan alias Sahil

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed by the petitioner for grant of regular bail pending trial in case F.I.R. No.27 dated 14.01.2019 under Section 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

Learned counsel representing the petitioner contended that though the present petition was filed for regular bail, but at this stage, he would be satisfied if the petitioner is ordered to be released on interim bail till receipt of F.S.L. report as by now, the report of F.S.L. has not been received though the petitioner is in custody since 14.01.2019.

Learned counsel for the petitioner has cited the Division Bench judgment of this Court titled as **'Inderjeet Singh @ Laddi and others Versus State of Punjab, 2014(3) RCR (Criminal) 953** in support of his contention that in such an eventuality, interim bail is to be granted to the

Learned State counsel contended that the alleged recovery from the petitioner is commercial quantity and no case is made out even for grant of interim bail to the petitioner.

In view of the peculiar circumstances of the case, that F.S.L. report has not been received so far and it will not be just and fair to keep the petitioner behind the bar any more and keeping in view the ratio of **Inderjeet Singh's** case (supra), the petition is disposed of with a direction that the petitioner be released on interim bail till receipt of F.S.L. report, subject to the satisfaction of learned trial Court/Duty Magistrate concerned, subject to the condition that the petitioner would be required to surrender after the receipt of Chemical Examiner's report, without prejudice to the right of the petitioner to seek regular bail, thereafter, in accordance with law.

(SHEKHER DHAWAN)
JUDGE

14.03.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No