

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

221

**CRM-M No.13551 of 2019.
Date of Decision: 22.04.2019.**

Kuber

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to the petitioner in case F.I.R. No.329 dated 01.12.2018 under Section 21(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel representing the petitioner contended that at this stage, he restricts his prayer for interim bail only on the ground that F.S.L. report has not been received as yet though the F.I.R. was registered on 01.12.2018 and the petitioner is in custody since then.

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, on instructions from HC Amit Kumar, affirmed the fact that F.S.L. report has not been received so far.

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

22.04.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No