

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

214

**CRM-M No.39517 of 2018 (O&M).
Date of Decision: 09.01.2019.**

Balram

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant 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 in case F.I.R. No.228 dated 09.07.2018 under Section 22-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ambala City, District Ambala.

Learned counsel representing the petitioner contended that though the present petition was filed for regular bail, but he would be satisfied if the petitioner is ordered to be released on interim bail as after registration of F.I.R. on 09.07.2018, report of Chemical Examiner has not been received as yet and the petitioner is entitled to be released on interim bail till receipt of report of Chemical Examiner.

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 accused.

Learned State counsel, on instructions from ASI Balwinder Singh, affirmed the fact that report of Chemical Examiner has not been received so far and that the petitioner was arrested in this case on 09.07.2018.

In view of the peculiar circumstances of the case, that Chemical Examiner's 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 report of Chemical Examiner, 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.

Since the main petition itself has been disposed of, the application (CRM-44171-2018) for grant of interim bail for four weeks, also stands disposed of.

(SHEKHER DHAWAN)
JUDGE

09.01.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No