

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-41364-2018
Date of decision: 11.02.2019**

Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Jammu, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 440 dated 15.05.2018, registered under Sections 21/22/27A/29 of the NDPS Act, 1985 at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 30.06.2018 and his bail application was dismissed by the Additional Sessions Judge, Sirsa, vide order dated 06.08.2018 (Annexure P-1). Learned counsel for the petitioner also submits that the petitioner was not named in the FIR and was not arrested at the spot. It is further submitted that petitioner is not involved in any other case.

Learned counsel for the petitioner further submits that the report of the FSL is still awaited. Learned counsel for the petitioner 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 SI Wazir Singh, has not disputed the factual position but opposed the prayer for bail.

In the judgment of this Court 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 allowed 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.

February 11, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No