

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

**CRM-M No.19746 of 2019 (O&M)
Date of Decision: 11.07.2019**

Kaviraj @ Kavei

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S.Godara, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of bail pending trial to the petitioner in case FIR No.09 dated 04.02.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nathusari Chopta, District Sirsa.

Learned Counsel for the petitioner submits that instead of pressing the petition for bail, pending trial, petitioner may be granted the concession of interim bail till the receipt of the FSL report, which has not been received till date. He 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. Further submits that petitioner is in custody since 04.02.2019.

The factum of non-receipt of FSL report is duly acknowledged by learned State Counsel, on instructions from ASI Ram Singh.

Since the petitioner is in custody for the last more than five months and FSL report is yet to be received to establish regarding the factum of salt of the contraband and keeping in view the ratio of above judgment (supra), the present petition is disposed off with a direction that petitioner be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is clarified that the interim bail will come to an end automatically, the moment report of FSL is received in the trial Court and he would be liable to surrender before learned trial Court forthwith.

July 11, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No