

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

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**C.R.M-M No.20079 of 2019
Date of Decision : 09.05.2019**

Rajender Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ajay Arora, Advocate
for the petitioner.

Mr. Gaurav Bansal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.31 dated 12.02.2019 registered under Sections 22, 61, 85, 27-A of the NDPS Act at P.S. Sadar Sirsa on the ground that he has been in custody since 12.02.2019 and till date the FSL report has not come to certify that the alleged recovery is either a narcotic drug or not.

Custody certificate filed in Court by Varun Sinwar-Dy. Supdt., District Prison, Sirsa is taken on record, wherein it has been certified that the petitioner has been in custody for the last almost 3 months.

In the present case, the alleged recovery was of Tramadole.

As per the learned counsel for the petitioner, in cases of recovery of easily identifiable drugs like opium, ganja or charas or manufactured drugs which are labelled, a bare look may enable a reasonable

person in custody indefinitely without even there being any evidence as to what the recovered material is.

Learned Assistant Advocate General on instructions from S.I. S.I. Naval Singh has accepted that till date the FSL report has not come and that the petitioner has been in custody since 12.02.2019.

In my opinion, in the absence of the FSL report it cannot be fair to keep the petitioner in custody indefinitely. Resultantly, the petition is disposed of and the concerned Chief Judicial Magistrate/Illaq Magistrate is directed to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter the trial Court to decide the application for bail on merits.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

May 09, 2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No