

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

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CRM-M-21647-2019.

Date of Decision: 16.05.2019.

Sham Lal

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Rajat Bansal, Assistant Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner Sham Lal who is facing trial in case F.I.R. No.12 dated 12.02.2019 under Section 22 of the N.D.P.S. Act, 1985, registered at Police Station Arniwala, District Fazilka.

Learned counsel representing the petitioner contended that though the present petition was filed for regular bail, but at this stage, he would be satisfied if the petitioner is ordered to be released on interim bail till receipt of F.S.L. report as by now, the report of F.S.L. has not been received and not supplied to him despite the fact that F.I.R. was registered on 12.02.2019 and the alleged recovery is of the same date.

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.

Custody certificate filed by learned State counsel is taken on record.

Learned State counsel affirmed the fact that report from F.S.L. has not been received as yet.

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

16.05.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No