

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

217

CRM-M-26095-2019.

Date of Decision: 05.07.2019.

Nakul Yadav

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Mr. Ashish Sanghi, Deputy 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 pending trial in case F.I.R. No.32 dated 20.02.2019 under Section 17 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Civil Line, District Sirsa.

Learned counsel representing the petitioner contended that he does not press the present petition for regular bail, at this stage and his prayer is for interim bail on the ground that F.S.L. report has not been received though the petitioner is in custody since 20.02.2019 i.e. from the date of registration of F.I.R.

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 Rajbir Singh, has affirmed that by now report of F.S.L. has not come.

In view of the peculiar circumstances of the case, that F.S.L. report has not been received so far and the petitioner is in custody since 20.02.2019, it will not be just and fair to keep the petitioner behind the bars 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 F.S.L. report, without prejudice to the right of the petitioner to seek regular bail, thereafter, in accordance with law.

(SHEKHER DHAWAN)
JUDGE

05.07.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No