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

CRM-M-28407 of 2019

Date of decision: July 11, 2019

Murat Singh @ Murti

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Goraya, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.207 dated 19.05.2019, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.

As per prosecution case, 4.9 kg of poppy-husk was recovered from the possession of the petitioner.

Contentends that as per allegation of the prosecution itself, recovery from the possession of the petitioner is less than 5 kg. of poppy-husk. Also contends that investigation is already over and report under Section 173 Cr. P.C. has been submitted. He confines his prayer for grant of interim bail for the reason that FSL report has not been received so far. He has cited the decision of Division Bench of

this Court in the case of **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.

The above factual position is duly acknowledged by learned State counsel, on instructions from Sub Inspector Surender.

Heard both sides and perused the paper-book.

Under the above circumstances and keeping in view the ratio of the above judgment, this petition is disposed off, with a direction that petitioner be released on interim bail, subject to the satisfaction of learned trial Court/Duty Magistrate, concerned. It is clarified that the interim bail shall come to an end automatically, the moment report from Chemical Examiner is received in the trial Court and he would be liable to surrender in the Court forthwith.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 11, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**