

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

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CRM-M-32003-2019.

Date of Decision: 19.09.2019.

Arshpreet Singh alias Babli

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner-Arshpreet Singh alias Babli son of Harbhinder Singh in case F.I.R. No.23 dated 24.04.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sandaur, District Sangrur.

Learned counsel representing the petitioner contended that the petitioner is in custody since 24.04.2019 for the alleged recovery of contraband and the same was sent to F.S.L. for examination. The F.S.L. report has not been received so far, so he does not press the present petition for regular bail, at this stage and his prayer is for interim bail till receipt of F.S.L. report.

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 Yadwinder Singh, has affirmed that report of F.S.L. has not been received despite passing of about five months.

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 24.04.2019, 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

19.09.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No