

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.41713 of 2019  
Decided on: 03.10.2019

Vikas Kumar

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. D.S. Khurana, Advocate  
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.102 dated 26.07.2019, for offence punishable under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Fazilka, District Fazilka.

Counsel for the petitioner has restricted his argument to the extent that till date, the sample has not been sent to the Forensic Science Laboratory as it was returned with certain objections and thereafter, the prosecution has moved an application for correction of the name, which was declined by the Illaqa Magistrate and the appeal filed by the prosecution is pending. Counsel for the petitioner has, thus, submitted that till date, no report of the FSL has been received to hold that the recovery effected from the petitioner was a narcotic substance.

Counsel for the petitioner has relied upon ***Inderjeet Singh***

@ *Laddi and others vs State of Punjab*, 2014 (3) RCR (Criminal) 953, to contend that till the report of the FSL is received, the petitioner be released on interim bail.

Learned State counsel has not disputed the factual position but opposed the prayer for bail.

In view of the judgment of this Court in *Inderjeet Singh @ Laddi's case (supra)*, wherein it has been held that awaiting the report of Chemical Examiner/FSL, the sentence of the petitioner can be suspended till receiving of such report.

Accordingly, this petition is allowed and the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illaq Magistrate/Duty Magistrate along with his bail/surety bonds that he will surrender before the trial Court on receiving the FSL report.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)  
JUDGE

03.10.2019  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |