

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

**CRM-M No.42929 of 2019
Decided on: 04.10.2019**

Karan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kamal Grover, Advocate
for the petitioner.

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 relied upon the order dated 03.10.2019 passed by this Court in CRM-M No.41713 of 2019 vide which the co-accused of the petitioner namely Vikas Kumar has been granted the concession of interim bail as it was stated by counsel for the State, on instructions from the Investigating Officer that the FSL report is still awaited.

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.

Notice of motion.

Mr. Jagmohan Ghuman, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent and has not disputed the factual position but opposed the prayer for bail.

In view of the order dated 03.10.2019 passed in CRM-M No.41713 of 2019 as well as 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

04.10.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No