

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

CRM-M-44044-2019

Date of Decision : October 23, 2019

Salim Khan		Petitioner
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.K. Singla, Advocate
 for the petitioner.

Mr. J.S. Ghumma, Senior DAG, Punjab

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed by the petitioner for for grant of regular bail to the petitioner in case FIR No. 115 dated 20.08.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 26.08.2019 and his bail application was dismissed by the Judge, Special Court, Mansa, vide order dated 11.10.2019 (Annexure P-2). Learned counsel for the petitioner also submits that the petitioner has falsely been implicated in this case and even no recovery has been effected from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that the report of the FSL is still awaited. Learned 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 may be released on interim bail. Learned counsel for the petitioner has

further submitted that the petitioner is not involved in any other case and till date, the report of the FSL/Chemical Examiner has not been received.

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 accused-petitioner can be granted interim bail till the receiving of such report.

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

Upon releasing on bail, the petitioner shall furnish an undertaking before the trial Court within a period of 07 days thereafter, that he will surrender before the Court on receiving of 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**

October 23, 2019

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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO