

217 IN THE HIGH COURT FOR THE STATES OF
PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48784-2019

Date of decision: November 22, 2019

Sachin Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishal Mittal, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.137 dated 25.9.2019 under Section 22 of the NDPS Act (Section 29 added later on), registered at Police Station City Jalalabad, District Fazilka.

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, on instructions from Investigating Officer has not disputed the factual position that the FSL report is still awaited. He has further submitted that no other case is pending against the petitioner.

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/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.

November 22, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

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