

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

213

CRM-M-49476-2019

Date of decision: 26.11.2019

Jagsir Singh @ Jangvir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.319 dated 08.10.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”) registered at Police Station City Mandi Dabwani, District Sirsa.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that allegedly 203 grams of heroin was recovered from the petitioner. The alleged recovery is non-commercial in nature. The mandatory provisions of NDPS Act have not been complied with properly. No independent witness was joined by the police. The petitioner has been falsely implicated in this case. The FSL report has not been received so far. The petitioner is in custody since 08.10.2019. Trial is likely to take long

time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having kept in his possession 203 grams of heroin. However, learned State counsel has conceded that FSL report in the case has not been received so far.

Keeping in view the fact that the FSL report in the case has not been received so far but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of interim regular bail till receipt of FSL report.

Therefore, the petition is allowed and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. On receipt of FSL report, the petitioner shall apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

26.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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