

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

**CRM-M No.177 of 2019
Decided on: 14.01.2019**

Toshi and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Bawa, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.266 dated 04.11.2018, for offence punishable under Sections 22/27-A/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Moti Nagar, District Ludhiana.

Counsel for the petitioners has submitted that the petitioners are in judicial custody since 04.11.2018 and their bail application was dismissed by the Additional Sessions Judge, Ludhiana vide order dated 05.12.2018.

Counsel for the petitioners 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 petitioners be released on interim bail. Counsel for the petitioners has further submitted that the petitioners are ladies and they are not

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

Counsel for the State has filed the Custody Certificate today in the Court and 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 petitioners are directed to be released on interim bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioners shall submit an undertaking before the trial Court/Illaq Magistrate/Duty Magistrate along with their bail/surety bonds that they 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 petitioners are found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No