

CRM-M-134-2019

Date of decision: February 20, 2019

Sohan Singh @ Sohni

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Ms. Harpreet Kaur, DAG Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer made in the petition is for grant of regular bail to the petitioner in case FIR No.104 dated 19.7.2018 under Sections 15 and 17 of the NDPS Act, 1985 at Police Station Nathu Sarai Chopta, District Sirsa.

Counsel for the petitioner submits that the petitioner is in custody since 23.7.2018, and co-accused of the petitioner Balwinder Singh has been granted the concession of interim bail awaiting the report of the Forensic Science Laboratory vide order dated 29.1.2019 passed in CRM-M-52699 of 2018.

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 Inderjeet Singh @ Laddi's, case (supra), it has been held that awaiting the report of FSL/Chemical Examiner, the accused-petitioner can be granted interim bail till the 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, alongwith 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.

February 20, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No