

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

**CRM-M-11140-2020
Decided on : 26.06.2020**

Jatinder Singh @ Shera

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Arnav Sood, Advocate
for the petitioner(s).

Mr. Jagmohan Ghuman, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of concession of bail in case FIR No. 04, dated 19.01.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, during pendency of trial.

Learned counsel for the petitioner *inter alia* contends that he would not press the petition for bail, pending trial. However, the petitioner may be extended the concession of interim bail till the receipt of the FSL report, which is still awaited. In support of his contention, learned counsel for the petitioner has placed reliance upon the Division Bench judgment of this Court, rendered in '**Inderjeet Singh @ Laddi and others Vs. State of Punjab, 2014(3) RCR (Criminal) 953**' that in such an eventuality, an accused can be extended the concession of interim bail. Further submits that petitioner is in custody since 19th

January, 2020.

Learned State counsel on the other hand while opposing the prayer for grant of concession of interim bail to the petitioner, has admitted that FSL report is still awaited and the delay has been on account of the outbreak of the pandemic.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner is behind bars since 19th January, 2020 and FSL report has not yet been received to establish that the contraband recovered from the petitioner falls under the category of commercial quantity, keeping in view the ratio of above judgment (supra), the instant petition is disposed off with a direction that the petitioner be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of learned CJM/trial Court/Duty Magistrate concerned.

It may be clarified that the interim bail granted to the petitioner will come to an end automatically, on receipt of the report of FSL by the trial Court and he would be liable to surrender before learned trial Court forthwith.

(MANJARI NEHRU KAUL)
JUDGE

June 26, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No