

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14981-2020
Date of Decision:-21.09.2020.

Bhola Ram

.....Petitioner

Versus

State of Haryana.

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ripudaman Singh Sidhu, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioner is one of the accused in FIR No.0066 dated 16.03.2020 on the file of Police Station Kalan Wali, District Sirsa, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1985'). By way of this petition filed under Section 439 Cr.P.C., he seeks grant of regular bail.

By order dated 30.06.2020, this Court granted interim bail to the petitioner as the seized drugs/substances had not been examined as on that date. The report of the Forensic Science Laboratory (FSL) was still awaited and in the absence of certification as to whether or not the case involved a commercial quantity, as prescribed under the Act of 1985, this Court held the petitioner entitled to relief. The petitioner was accordingly directed to be released on interim bail

upon furnishing a personal bond for a sum of ₹ 50,000/- along with 2 sureties for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned. This order was directed to remain operative till submission of the FSL report and in the event the finding therein was to the effect that the case involved a commercial quantity, as prescribed under the Act of 1985, the petitioner was directed to surrender and thereafter seek regular bail in accordance with law.

Today, Ms. Mahima Yashpal, learned Deputy Advocate General, Haryana, would seek an adjournment on the ground that the FSL report is yet to be submitted.

This Court sees no purpose served in keeping the matter pending.

The petition is accordingly allowed making the interim order dated 30.06.2020 absolute. In terms thereof, the personal bond and the surety bonds furnished by the petitioner shall continue to remain valid. In the event the FSL report indicates commission of an offence involving a commercial quantity or in excess thereof, in terms of the Act of 1985, this order shall stand cancelled without further reference to this Court and the petitioner shall forthwith surrender and thereafter seek regular bail in accordance with law. In the event the FSL report indicates commission of an offence involving less than the commercial quantity prescribed under the Act of 1985, this order shall continue to remain operative till the disposal of the case.

(SANJAY KUMAR)
JUDGE

September 21, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.