

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16812 of 2020

Date of Decision :28.07.2020

Gori @ Gurmail Singh

....Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Paras Jagga, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.29 dated 03.03.2020 registered under Section 22-B of the NDPS Act, at Police Station Rori, District Sirsa.
3. Learned counsel contends that the petitioner has been implicated in the case on the basis of a disclosure statement of one Chhinda Singh from whom 400 *Tramadol Hydrochloride Tablets* were recovered and pursuant to the arrest of the petitioner, he further made a disclosure statement, implicating one Nirmal Singh, who has been released on pre-arrest bail vide order dated 12.05.2020 in CRM-M No.12187 of 2020.
4. Learned counsel contends that the petitioner has been interrogated and his custodial interrogation is not required any further, besides, the petitioner has already undergone more than 4 months' incarceration since 04.03.2020. No useful purpose would be served by keeping the petitioner

behind bars on account of the prevailing corona-virus pandemic, as the trial is likely to take a considerable period of time.

5. Learned AAG, Haryana, on instructions from ASI Suresh Kumar, states that the custodial interrogation of the petitioner is not required.

6. Learned AAG, Haryana, further responding to the oral plea of learned counsel for the petitioner regarding report of the FSL not having been received, therefore, the petitioner being entitled to interim regular bail in view of the decision of a Division Bench of this Court in '**Inderjeet Singh @ Laddi versus State of Punjab**, 2014(3) RCR (Crl.) 953, states that it is factually correct that the FSL report has not been received in the case, so far.

7. I have considered the submissions of learned counsel for the parties and after taking into account all aspects of the matter, the petitioner is ordered to be released on interim bail, till the receipt of the FSL report, subject to the petitioner furnishing bail bonds/surety to the satisfaction of the learned CJM / trial Court / Duty Magistrate. However, it is made clear that on receipt of FSL report and finding the same to be incriminating the petitioner shall surrender before the learned trial Court / Duty Magistrate concerned.

8. Needless to mention, in case, the FSL report is against the petitioner, it would be open to the petitioner to revive the petition for regular bail, in accordance with law.

(B.S. Walia)
Judge

July 28, 2020
'Rajneesh-Amit'

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