

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

(Heard through VC)

CRM-M-17353 of 2020 (O&M)
Date of Decision: July 22, 2020

Ravinder @ Bachhi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Baljeet Nain, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.50 dated 11.02.2020, under Section 20 of NDPS Act, registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 11.02.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that petitioner is doing the job as driver with co-accused Sandeep on salary basis, who is also owner of the car involved in the present case. It is submitted that co-accused Sandeep has already been allowed concession of anticipatory bail by this court, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer would submit that the recovery of the contraband was effected from the conscious possession of the petitioner and that co-accused Sandeep has been allowed the concession of anticipatory bail on the ground that he is the registered owner of the car involved, as such, the petitioner is not entitled to be enlarged on bail.

At this stage, learned counsel for the petitioner would argue that FSL report is still awaited and till such time the FSL report is not being received, the petitioner is entitled to be enlarged on interim bail. In support of his arguments, counsel for the petitioner relies upon judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR (Criminal) 953.***

On the other hand, learned State counsel does not dispute the fact that FSL report is still awaited.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 11.02.2020, that FSL report is still awaited and the trial will commence only after receipt of the FSL report and in view of the judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab (supra)***, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate, till the FSL

report is received. The petitioner shall submit an undertaking before the trial court/Duty Magistrate along with 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 misusing the concession of bail, in any manner.

July 22, 2020
vijay sainip

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No