

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

**CRM-M No.18687 of 2020
Date of decision:31.07.2020**

Sarman Singh @ Samma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shubham Goyal, Advocate for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.18, dated 26.04.2020 registered under Section 15 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act') at Police Station Arifke, District Ferozepur.

Counsel for the petitioner has submitted that petitioner is in custody since 26.04.2020. Recovery of 36 kilogram of poppy husk was effected from him. Learned counsel for the petitioner has argued that FSL report has not yet been received by the prosecution agency.

State counsel upon instructions from ASI Dilbagh Singh does not refute the fact that FSL report has not been received so far. On the basis of the record, he submits 36 kilogram of poppy husk was recovered from the home of the petitioner, who was also apprehended from there. It is conceded by the State counsel that the recovery does not fall in the category of commercial quantity.

Counsel for the petitioner has restricted the prayer made in the petition to interim bail till receipt of FSL Report.

In view of the fact that the FSL report in the case has not been received so far and in view of observations of this Court in Para No.54 of the judgment passed by a Division Bench of this Court in ***Inderjeet Singh @ Laddi and others Vs. State of Punjab: 2014(3) RCR (Criminal) 953*** but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concesion of interim regular bail till receipt of FSL report.

Therefore, the petition is allowed and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. On receipt of FSL report, the petitioner shall apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law, keeping in view the FSL report.

31.07.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No