

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

CRM-M-18718-2020 (O&M)

Date of Decision: July 31, 2020

Mubeen

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H.S. Deol, Advocate
for the petitioner.
Ms. Harpreet Kaur, 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. 110 dated 23.02.2020, under Section 20 of NDPS Act, 1985, registered at Police Station Sohna, District Gurugram.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 23.02.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the 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. He would further contend that the co-accused Tahir has already been allowed interim bail by this Court in CRM-M-15964-2020 decided on 06.07.2020. In support of his arguments, learned counsel for the petitioner also relies upon the judgment rendered in *Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014 (3) RCR (Criminal) 953*.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that FSL report is still awaited.

I have heard learned counsel for the parties.

Since, in view of the judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014 (3) RCR (Criminal) 953*** and the restricted working of the Courts due to pandemic COVID-19 situation and that the petitioner herein has been in custody since 23.02.2020 and that FSL report is still awaited and the trial will commence only after receipt of the FSL report, 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 bail on his execution of adequate personal 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.

(JAISHREE THAKUR)
JUDGE

July 31, 2020
seema

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No