

CRM-M-18767-2020
Date of decision: July 31, 2020

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.90 dated 3.6.2020 under Sections 22 and 29 of the NDPS Act registered at Police Station City-I, Malerkotla, District Sangrur.

Learned counsel for the petitioner submits that the report of the FSL is still awaited. Learned counsel for the petitioner has relied upon *Inderjeet Singh @ Laddi and others vs State of Punjab, 2014 (3) RCR (Criminal) 953*, to contend that till the report of the FSL is received, the petitioner may be released on interim bail. Learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case and till date, the report of the FSL/Chemical Examiner has not been received.

Custody certificate produced by the learned State counsel today in the Court is taken on record.

Learned State counsel, on instructions from Investigating Officer has not disputed the factual position that the FSL report is still awaited. He has further submitted that no other case is pending against the petitioner.

In view of the judgment of this Court in *Inderjeet Singh @ Laddi's case (supra)*, wherein it has been held that awaiting the report of Chemical Examiner/FSL, the accused-petitioner can be granted interim bail till the receiving of such report.

Accordingly, this petition is disposed of and the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court/Illaq Magistrate/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 involved misusing the concession of bail, in any manner.

July 31, 2020
satish

(ARVIND SINGH SANGWAN)
JUDGE

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