

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.25128 of 2020 (O&M)
Date of decision:16.12.2020

Rohit Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.K.Grewal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.0332, dated 18.07.2020 registered under Section 21(c) and Section 29 (added later on) of Narcotic Drugs and Psychotropic Substance Act, 1985 at Police Station Mahesh Nagar, District Ambala (Haryana).

Learned counsel for the petitioner submits that the petitioner has been arraigned as an accused on the basis of the disclosure statement of Jitender Sharma @ Johnny, who has been released on interim bail vide order dated 09.11.2020, Annexure A-1, passed by this Court in ***Jitender Sharma @ Johnny Vs. State of Haryana.*** Learned counsel for the petitioner has further submitted that FSL report has not yet been received by the prosecution agency.

Learned State counsel upon instructions from SI Balkar Singh does not refute the fact that FSL report has not been received so far.

Thereupon learned counsel for the petitioner has restricted his 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 concession 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.

16.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No