

Sr. No. 204

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

**CRM-M-24986 of 2020 (O&M)
DATE OF DECISION : 09.10.2020**

Jagsir Singh

...Petitioner

Versus

State of Haryana

...Respondent

AND

**CRM-M-25090 of 2020 (O&M)
DATE OF DECISION : 09.10.2020**

Sukhdeep @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.S. Sahu, Advocate
For the petitioners.

Mr. Bhupender Singh, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioners in the above-referred two petitions seek regular bail in FIR No. 145 dated 30.06.2020, registered under Sections 22(b), 27-A, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, Police Station Sadar Ratia, District Fatehabad. Both petitions are being disposed of by this common order passed in CRM-M-24986 of 2020.

2. Learned counsel, at the outset, submits that petitioners are in custody since 30.06.2020. FSL report has still not been received in this case. He

further relies on an order dated 28.09.2020 passed by a Coordinate Bench of this Court granting interim bail to one Deepu (in CRM-M-26246 of 2020) and petitioner Sukhdeep @ Sonu (in CRM-M-25074 of 2020) in another case FIR No. 143 dated 29.06.2020, registered one day prior to the instant FIR under NDPS Act. Relying on “**Inderjeet Singh @ Laddi and others vs. State of Punjab**”, 2014(3) RCR (Criminal) 953, learned counsel seeks interim bail to the petitioners, on the ground of parity, awaiting the report of FSL.

3. Learned State counsel has though not disputed the factual position as aforesaid but opposes the prayer for bail.

4. In the judgment of this Court in Inderjeet Singh @ Laddi’s case (supra), 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.

5. I am of the view that even otherwise, on the ground of parity also, the petitioners are entitled to the same interim relief. Accordingly, these petitions are disposed of with a direction that petitioners shall be released on interim bail subject to their furnishing bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, till receiving of the FSL report. The petitioners shall submit an undertaking before the Illaqa Magistrate/Duty Magistrate along with their bail/surety bonds that they 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 petitioners are found involved misusing the concession of bail, in any manner.

(ARUN MONGA)
JUDGE

October, 09, 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No