

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208- CRM-M-25074-2020 (O&M)

Date of Decision: 28.09.2020

Sukhdeep @ Sonu

... Petitioner

VS.

State of Haryana

... Respondent

208 - CRM-M-26246-2020

Date of Decision: 28.09.2020

Deepu Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. SS Sahu, Advocate,
Mr. Amit Chaudhary, Advocate
for the petitioners

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-captioned two petitions filed by the petitioners Sukhdeep @ Sonu and Deepu Kumar, *inter alia*, with a prayer for grant of regular bail in case FIR No.143 dated 29.06.2020 under Sections 22-C/27-A/61 of NDPS Act, 1985 registered at PS Sadar Ratia, Distt. Fatehabad.

Learned counsel at the outset submits that the petitioners was arrested on 29.06.2020. He submits that since then neither the challan nor the report of the FSL have been presented till date.

Learned counsel then submits that in view of this, the petitioners be considered and interim bail may be granted. He undertakes that the petitioners shall surrender before the concerned Chief Judicial

Magistrate/Duty Magistrate when it is communicated to them that FSL report has been received.

Learned State counsel, on instructions from ASI Risal Singh, though has opposed the prayer made by the petitioners but is not able to deny the above facts. He submits that petitioner Sukhdeep @ Sonu (in CRM-M-25074-2020) is involved in another FIR No.145 dated 30.06.2020 under Sections 22(b)/27-A/61/85 of NDPS Act whereas there is no other case against the other petitioner, namely, Deepu Kumar.

Faced with this, reliance has been placed by counsel for the petitioners on an order passed by this Court dated 10.07.2020 passed in **CRM-M-16562-2020 (Jagtar Singh vs. State of Punjab)** wherein while referring to a Division Bench decision rendered in **Inderjeet Singh @ Laddi & Ors. vs. State of Punjab 2014(3) RCR (CrI.) 953**, it was held that interim bail can be granted till the report of FSL is received.

In view of the above, the petitioners are directed to be released on interim bail subject to their furnishing heavy bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned. It is made clear that petitioners shall surrender within one week before the concerned Chief Judicial Magistrate/Duty Magistrate on receipt of information that FSL report has been received.

It is made clear that in case the petitioners are found involved in any other case after the lodging of the present FIR, the prosecution may move an application for cancellation of bail.

Petition stands disposed of accordingly.

28.09.2020

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No