

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

CRM-M No.25576 of 2020 (O&M)
DATE OF DECISION: 02.12.2020

Ram Kumar alias Ramu

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Sanghi, Advocate for the petitioner

Mr. Naveen Singh Panwar, Deputy Advocate General,
Haryana

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail pending trial to the petitioner in FIR No.162 dated 11.07.2020 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kalan Wali, District Sirsa, Haryana.

Learned counsel for the petitioner contends that the petitioner has been in custody since 11.07.2020 and the FSL Report is yet to be received. The learned counsel for the petitioner has further relied upon the decision in the case of ***Inderjeet Singh @ Laddi & Ors. vs. State of Punjab, 2014 (3) RCR (Criminal) 953*** to contend that till the FSL Report is received the petitioner may be released on interim bail. Learned counsel for the petitioner has further contended that the petitioner is not involved in any other case.

Learned counsel for the State is not in a position to dispute the fact that the FSL Report has still not been received despite the samples having

been sent for chemical examination on 17.07.2020. He has further stated, on instructions from ASI-Raj Kumar, that there is no other case pending against the present petitioner.

In view of the judgment of this Court in **Inderjeet Singh @ Laddi** (*supra*) wherein it has been held that awaiting the report of the Chemical Examiner/FSL, the accused-petitioner can be granted interim bail till the receiving of such report, the present petition is allowed and the petitioner is directed to be released on interim bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate till the receiving of the FSL Report and further subject to the condition that the petitioner shall submit an affidavit before the Trial Court that he would surrender himself within a period of five days from the date of receipt of the FSL Report.

However, it shall always be open to the prosecution to apply for cancellation of bail if the petitioner is found misusing the concession of bail in any manner.

It is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case. Disposed off accordingly.

(ALKA SARIN)
JUDGE

02.12.2020
Parkash

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO