

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

**CRM-M-25730-2020
Date of decision: 05.10.2020**

Neelu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. K. Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail or in alternative, interim bail awaiting the FSL report, to the petitioner in case FIR No. 135 dated 27.05.2020, registered under Sections 21 and 29 of the NDPS Act, 1985 at Police Station City Kharar, District S.A.S. Nagar.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 06.06.2020 and her bail application was dismissed by the Judge, Special Court, S.A.S. Nagar, vide order dated 28.08.2020 (Annexure P-12).

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.

Learned State counsel has not disputed the factual position but opposed the prayer for bail.

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 allowed and the petitioner is directed to be released on interim bail subject to her 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 affidavit before the trial Court/Illaq Magistrate/Duty Magistrate within a period of five days from her release to the effect that she 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.

05.10.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No