

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-29346-2020 (O & M)
Date of Decision: September 28, 2020

KULDEEP @ SANDHI

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ajay Arora, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.126 dated 18.06.2020, under Sections 21/61/85 of the NDPS Act, 1985, registered at Police Station Ding.

Learned counsel for the petitioner contends that allegations against the petitioner are that 480 intoxicant capsules containing Tramadol Hydrochloride Parvorin Spas have allegedly been recovered from the petitioner. He states that FSL report has not been received although over 03 months have elapsed since the registration of the FIR and the arrest of the petitioner. At this stage, he confines his prayer to the release of the petitioner on interim bail for want of FSL report in terms of the judgment of Division Bench in the case of **Inderjit Singh @ Laddi Vs. State of Punjab**, 2014 (3) RCR (Criminal) 953, wherein it has been held that when the report of the chemical examiner is not received despite lapse of considerable time, the accused is entitled to the concession of interim bail.

Learned State counsel upon instructions from SI-Bhag Singh states that FSL report is still awaited.

Heard.

The FIR has been registered on 18.06.2020 wherein recovery was also effected from the petitioner. The petitioner is in custody for over 03 months and the report of the chemical examiner has not been received till date.

Therefore, in view of the law laid down by a Coordinate Bench of this Court in the case of **Inderjit Singh @ Laddi (supra)**, I deem it appropriate to grant concession of interim bail to the petitioner till the receipt of the report of the chemical examiner.

Consequently, the petition is allowed. The petitioner is ordered to be released on interim bail, subject to the satisfaction of the trial Court/Illaq Magistrate.

However, this order shall remain in operation till the receipt of the FSL report. The petitioner shall file an undertaking that on receipt of the report of chemical examiner, he shall surrender before the trial Court for further proceedings.

(ANUPINDER SINGH GREWAL)
JUDGE

September 28, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No