

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212- CRM-M-33668-2020 (O&M)

Date of Decision: 03.11.2020

Ninderpal

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Amit Chaudhary, Advocate
for the petitioner

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.

The petitioner Ninderpal who stated to be aged 35 years has filed the present petition, *inter alia*, with a prayer for grant of regular bail in case FIR No.184 dated 06.08.2020 under Sections 22-C/27-A of NDPS Act, 1985, registered at PS Sadar Ratia, Distt. Fatehabad.

Learned State counsel on instructions from ASI Risal Singh submits that the investigation is complete. However, FSL report is still awaited.

Faced with this, learned counsel for the petitioner submits that the present petition be treated a petition for grant of interim bail till the FSL report is received. He submits that the petitioner would give an undertaking that he would surrender within one week on receipt of information that FSL report has been received, before the concerned Chief Judicial Magistrate/Duty Magistrate. He further makes reference to para 10 of the petition to submit that it is yet to be ascertained, after the receipt of FSL

report, whether the recovery of the alleged substance/drugs comes under the purview of the NDPS Act or not.

Faced with this, reliance has been placed by counsel for the petitioner 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 (Crl.) 953**, it was held that interim bail can be granted till the report of FSL is received.

In view of the above, the petitioner is directed to be released on interim bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned. It is made clear that petitioner 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 petitioner is 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.

03.11.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No