

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

CRM-M-34324-2020

Date of decision : 11.11.2020

BHAGWAN DASS @ AADU

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. D.S. Virk, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, 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 to the petitioner in FIR No.157 dated 26.05.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 188 of the India Penal Code, 1860 registered at Police Station Sadar, Sirsa, District Sirsa.

On 04.11.2020 the learned counsel for the petitioner had made a statement before the Court that instead of pressing the bail application on merits, he requests that interim bail be granted to him as the FSL has not been received.

Today, learned counsel for the petitioner has reiterated the said prayer.

In the present case, 150 strips of contraband capsules of Tramadol mark Ridley PARVORIN-SPAS bearing batch No.PAR-2004, each strip containing 10/10 tablets totalling 1500 capsules and 50 strips of Tramadol were recovered. In total 2000 capsules were recovered. FSL report admittedly has not been received and in such a situation, it is not

possible to comment upon the nature of contraband recovered from the petitioner.

Learned State counsel, on instructions from ASI Rajbir Singh, has stated that there is no other case pending against the present petitioner and that the FSL report is still awaited in the present case.

I have heard learned counsel for the parties. Admittedly, the FSL report is awaited in the present case. In view of the judgment rendered by the Division Bench of this Court in *Inderjit Singh @ Laddi and others Vs. State of Punjab 2014 (3) RCR (Criminal) 953* wherein it has been held that till the FSL report is received the petitioner may be released on interim bail, and also considering the fact that there is no other case pending against the petitioner and the FSL report has not been received, the present petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned till such time as the FSL report is not received.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner. It is also made clear that once the FSL report is received, the petitioner shall surrender forthwith.

Disposed off, accordingly.

November 11, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No