

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-34728 of 2020  
Date of decision:03.11.2020

Rohit Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Amaninder Preet, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

**SUVIR SEHGAL, J. (Oral)**

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.157 dated 05.08.2020 registered under Section 22 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “1985 Act”) at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 05.08.2020. He was involved in FIR No.116 dated 06.11.2017 registered under Section 22(a) of 1985 Act at Police Station Bajakhana, District Faridkot but was acquitted. He has further submitted that FSL report has not yet been received by the prosecution

agency.

Learned State counsel upon instructions from ASI Gurmukh Singh does not refute the fact that FSL report has not been received so far. He has filed the custody certificate dated 02.11.2020, which is taken on record. A copy thereof, has been supplied to the counsel for the petitioner. Thereupon, learned counsel for the petitioner has restricted his prayer made in the petition to interim bail till receipt of FSL Report.

In view of the fact that the FSL report in the case has not been received so far and in view of observations of this Court in Para No.54 of the judgment passed by a Division Bench of this Court in ***Inderjeet Singh @ Laddi and others Vs. State of Punjab: 2014(3) RCR (Criminal) 953*** but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of interim regular bail till receipt of FSL report. Therefore, the petition is allowed and the petitioner is ordered to be released on interim bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. On receipt of FSL report, the petitioner shall apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

(SUVIR SEHGAL)  
JUDGE

**November 03, 2020**

savita

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes/No