

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34727 of 2020
Date of decision:03.11.2020

Tokir Malik

... Petitioner

Vs.

The State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanpreet Sandhu, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

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.114 dated 09.04.2020 registered under Sections 22(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "1985 Act") and under Sections 307, 188 and 427 of Indian Penal Code, 1860 at Police Station Mullana, District Ambala.

Learned counsel for the petitioner has submitted that petitioner is in custody since 09.04.2020 and he is involved in another FIR bearing No.131 dated 07.04.2020 registered under Sections 21(b) and 22(b) of 1985

Act at Police Station Sadar, District Yamuna Nagar. As per his instructions, the petitioner has been granted regular bail by this Court, vide order dated 21.07.2020 passed in CRM-M-17439 of 2020 titled as 'Mohd. Tokir alias Tokir Vs. State of Haryana' in the said FIR. He has further submitted that FSL report has not yet been received by the prosecution agency.

Learned State counsel submits that when petition for regular bail was being considered in FIR No.131 dated 07.04.2020, it was not brought to the notice of the Court that the petitioner was involved in another case registered against him under the provisions of 1985 Act.

Learned State counsel upon instructions from ASI Gian Chand does not refute the fact that FSL report has not been received so far.

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