

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

(211)

CRM-M-35366-2020

Date of decision: 10.11.2020

Rohtash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, 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 Cr.P.C. for grant of regular bail in case FIR No. 278 dated 05.08.2020 under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act No. 61 of 1985, (for short “the NDPS Act, 1985”), registered at Police Station City Mandi Dabwali, District Sirsa, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.09.2020 and his name cropped up during the disclosure statement of co-accused – Shivraj Singh @ Raju, who has been granted interim bail by this Court, vide order dated 21.09.2020 (Annexure P-3) passed in CRM-M-28140-2020. Learned counsel for the petitioner has further submitted that FSL report has not been received by the prosecution

Learned State Counsel, upon instructions, from ASI Mahender Singh, Investigating Officer, does not refute the fact that FSL report has not been received so far. He, however, opposes the bail on the ground that the petitioner is named in another case registered under the provisions of the NDPS Act, 1985 involving 10000 tablets of tramadol Hydrochloride. The petitioner allegedly sold 5000 tablets out of the said quantity to the co-accused, on the basis of which the present FIR has been lodged.

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

10.11.2020
Pardeep