

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

(Heard through VC)

CRM-M-35368 of 2020 (O&M)

Date of Decision: November 09, 2020

Jitender Sharma @ Johnny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.332 dated 18.07.2020, under Sections 21-C, 29-61-85 of NDPS Act, registered at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 18.07.2020. It is submitted that the petitioner has been falsely implicated in the present case as he was arrested from his house whereas, it is shown that he was arrested at 10.15 p.m. from Mahesh Nagar, Nagpal Chowk. It is further argued that

the matter has been investigation, as the challan stands presented, however, the FSL report is still awaited. It is contended that till such time the FSL report is not being received, the petitioner is entitled to be enlarged on interim bail. In support of his arguments, counsel for the petitioner relies upon judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR (Criminal) 953.***

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that FSL report is still awaited.

I have heard learned counsel for the parties.

In view of the judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab (supra)*** and that the petitioner herein has been in custody since 18.07.2020 and that FSL report is still awaited and the trial will commence only after receipt of the FSL report, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate, till the FSL report is received. The petitioner shall submit an undertaking before the trial court/Duty Magistrate along with his bail/surety bonds that he will surrender before the trial court on receiving the FSL report.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of

bail, in any manner.

November 09, 2020
vijay sainip

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No