

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

**CRM-M-39377-2020 (O&M)
Date of decision: 02.12.2020**

Narender Kumar

...Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohir Garg, Advocate for the petitioner.

Mr. A.M. Punchhi, PP, with
Mr. Anupam Bansal, Advocate for UT Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 136 dated 24.07.2020 registered under Sections 21/22 of NDPS Act, 1985, at Police Station Sector-17, Chandigarh.

Learned counsel for the petitioner submits that the petitioner has been in judicial custody since 24.07.2020. He also submits that the report of FSL is still awaited. At this stage, he restricts his prayer to the extent that the the petitioner may be released on interim bail till the report of FSL is received.

In support of his contentions, he relies upon *Inderjeet Singh @*

Laddi and others vs State of Punjab, 2014 (3) RCR (Criminal) 953. He also

states that there is no other case under the NDPS Act against the petitioner except the present one.

Copy of custody certificate by way of affidavit dated 30.11.2020 of the Deputy Superintendent, Model Jail, Chandigarh, submitted by the learned PP UT Chandigarh through email, is taken on record.

Learned PP UT Chandigarh does not dispute the aforesaid factual position, but opposes the prayer made by the learned counsel for the petitioner. He points out that the recovered contraband is more than the commercial quantity.

I have heard learned counsel for the parties.

A Division Bench of this Court in *Inderjeet Singh @ Laddi's case (supra)*, has held that the accused-petitioner can be granted interim bail till the report of FSL is received.

Accordingly, the petitioner is ordered to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, till the receipt of the FSL report. 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 of the FSL report.

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

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

02.12.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No