

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

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**CRM-M NO.40620 of 2020
Date of decision : 09.12.2020**

Sukhwinder Singh @ Sukha and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioners.

Mr. Tarun Sharma, AAG, Haryana.

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

Prayer is for grant of regular bail in case FIR No.407 dated 09.09.2020 under Sections 22 and 61 of NDPS Act, 1985 registered at Police Station Rania, District Sirsa.

As per allegations in the FIR, 38 strips of Parvorin-spas (ridley) Tramadol-Hydrochloride-Diclofence-Sodium-Dicyclomin-Hydrochloride Chlorpheniramine Maleate Capsules and B.N.P.A.R-2019 were recovered from the possession of the petitioners.

Learned counsel for the petitioners contends that the recovery of alleged contraband cannot be termed as recovery effected from the conscious possession of the petitioners. It is contended that the alleged contraband was sent to the Forensic Science Laboratory (FSL) but no report has so far been received and thus, in the light of the ratio of judgment

passed in "*Inderjeet Singh @ Laddi and others vs State of Punjab*", 2014 (3) RCR (Criminal) 953, the petitioners may be released on bail.

Learned State counsel though has not disputed the fact of FSL report having not been received as yet but opposed the prayer for bail.

Without commenting anything on merits of the case and in view of the judgment of this Court in *Inderjeet Singh @ Laddi's case (supra)*, wherein it has been held that awaiting the report of Chemical Examiner/FSL, the petitioners can be granted interim bail till receiving of such report, accordingly, this petition is allowed and the petitioners Sukhwinder Singh @ Sukha and Bhajan Lal @ Raju DJ are ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned till receiving of the FSL report.

The petitioners shall submit an undertaking before the trial Court along with their bail/surety bonds that they 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 petitioners are found involved misusing the concession of bail, in any manner.

09.12.2020

Rajeev (rvs)

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No