

CRM-M-6110 of 2021

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

**CRM-M-6110 of 2021
Date of decision:16.02.2021**

Abdul Sabbir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Tanmoy Gupta, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, 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.335 dated 29.08.2020 registered under Sections 20 and 61 of Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as "1985 Act") (Section 61 of 1985 Act, has wrongly been mentioned in the petition) at Police Station Adarsh Nagar, District Faridabad.

Learned counsel for the petitioner has submitted that petitioner is in custody since 29.08.2020. He has further submitted that FSL report has not yet been received by the prosecution agency. Counsel has relied upon the order dated 25.01.2021 (Annexure P-3) passed by this Court in CRM-M-2558 of 2021 titled as 'Mohd. Ansar Vs. State of Haryana' whereby co-

accused has been released on interim bail on account of the fact that FSL has not been received.

Learned State counsel upon instructions from SI Om Parkash 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

February 16, 2021
savita

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes/No