

206

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6126 of 2021 (O&M)

Date of decision: 01.04.2021

Hardum Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arpandeeep Narula, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN J. (Oral)

The petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.241 dated 28.11.2020, for offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Nathu Sarai Chopta, District Sirsa.

Counsel for the petitioners has submitted that the bail application of the petitioners was dismissed by the Additional Sessions Judge, Sirsa vide order dated 02.02.2021.

Counsel for the petitioners has relied upon ***Inderjeet Singh @ Laddi and others vs State of Punjab, 2014 (3) RCR (Criminal) 953***, to contend that till the report of the FSL is received, the petitioner be released on interim bail. Counsel for the petitioners has further submitted that the petitioners are not involved in any other case and till

CASE HEARD THROUGH VIDEO CONFERENCING

date, the report of the FSL/Chemical Examiner has not been received.

Learned State counsel has not disputed the factual position but opposed the prayer for bail.

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 sentence of the petitioner can be suspended till receiving of such report.

Accordingly, this petition is allowed and the petitioners are directed to be released on interim bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioners shall submit an undertaking before the trial Court/Illaq Magistrate/Duty Magistrate 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 petitioner is found involved misusing the concession of bail, in any manner.

It is made clear that the petitioners will surrender back immediately on receiving the FSL report.

(ARVIND SINGH SANGWAN)
JUDGE

01.04.2021

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No