

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-8080-2021 (O & M)
Date of Decision: March 19, 2021

DIVESH AND ANR

....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amit Choudhary, Advocate for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioners are seeking regular bail in FIR No.187 dated 06.11.2020, under Sections 22-C/61/85 of the NDPS Act, 1985, registered at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioners contends that he is confining the prayer in the instant petition to the release of the petitioners on interim bail for want of FSL report as although the FIR was registered on 06.11.2020 and the petitioners were arrested on that very day but the FSL report has not been received. He further contends that it was alleged that 1900 intoxicating tablets were allegedly recovered from the petitioners. He has relied upon the judgment of the Division Bench of this Court in the case of **Inderjit Singh @ Laddi Vs. State of Punjab, 2014 (3) RCR (Criminal) 953**, wherein it has been held that when the report of the chemical examiner is not received despite lapse of considerable time, the accused is entitled to the concession of interim bail.

Learned State counsel, upon instructions, states that FSL report is still awaited.

Heard through video conferencing.

The FIR was registered on 06.11.2020 and the report of the chemical examiner has not yet been received. Therefore, in view of the law laid down by the Division Bench of this Court in the case of **Inderjit Singh @ Laddi (supra)**, I deem it appropriate to grant concession of interim bail to the petitioners till the receipt of the report of the chemical examiner.

Consequently, the petition is allowed. The petitioners are ordered to be released on interim bail, subject to the satisfaction of the trial Court/Illaq Magistrate.

However, this order shall remain in operation only till the receipt of the FSL report. The petitioners shall file an undertaking that on receipt of the report of chemical examiner, they shall surrender before the trial Court for further proceedings.

(ANUPINDER SINGH GREWAL)
JUDGE

March 19, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No