

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

CRM-M- 18259-2021 (O&M)

Date of Decision: May 24, 2021

Honey Sehgal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Randeep Singh Waraich, Advocate
for the petitioner.

Mr. H. S. Sitta, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No. 32 dated 01.03.2021 under Sections 22, 25, 29, 61, 85 of the NDPS Act registered at Police Station Dakha, District Ludhiana.

Learned counsel for the petitioner would contend that the petitioner has been wrongly implicated in the present case and has been nominated as an accused on the basis of a disclosure statement made by one Mandeep Singh alias Manga, who had been nominated as an accused by one Sukhpal Singh in his disclosure statement. It is contended that said Sukhpal Singh was named in the FIR and was arrested on the spot. It is argued that

the challan was presented without being accompanied by the FSL report, therefore, it would be deemed to be an incomplete challan. Learned counsel relies upon the judgment titled as ***Inderjit Singh Ladi vs. State of Punjab, 2014 (3), RCR (Criminal) 953*** to support his arguments. It is contended that the petitioner is in custody and the trial is likely to take some time to conclude, therefore, prayer is made for concession of interim/regular bail to the petitioner.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of bail to the petitioner on the ground that there is a huge recovery of 25000 tablets of Tramadol Hydrochloride along with a vehicle and cash of Rs. 02 lac from the petitioner herein, however, he does not dispute the fact that the FSL report is awaited.

I have heard learned counsel for the parties and in view of the restricted working of the Courts due to pandemic COVID-19 situation and the law laid down in judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab (supra)*** when the trial will commence only after receipt of the FSL report, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is disposed of with a direction that the petitioner will be released on interim regular bail on his execution of adequate personal and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate, till the FSL report is received. 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

the FSL report.

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

24 May, 2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No