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

CRM-M No.24228 of 2020 (O&M)
Date of Decision.24.02.2021
(Heard through VC)

Varinder Pal Singh ...Petitioner

Vs

State of Punjab ...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sidhu, AAG, Punjab.

-.-

JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.45 dated 01.06.2020 under Sections 22 and 25 of the NDPS Act registered at Police Station Sadar Raikot, District Ludhiana Rural.

Counsel for the petitioner *inter alia* would contend that the petitioner herein was only driving the motor cycle and the recovery of tablets has been made from the polythene bag, which was in the conscious possession of the co-accused, who was a pillion rider. It is further argued that the pillion rider was a licenced medical practitioner. It is also argued that there is no other case pending against the petitioner herein. Apart from the aforesaid arguments, it is also contended that the petitioner herein is a student and has to undertake his exams in the month of March, 2021 and therefore, while arguing for regular bail seeks for interim bail as the FSL report is still awaited.

Learned counsel appearing for the respondent-State opposes the bail application of the petitioner by contending that the petitioner was arrested on secret information received that the contraband was being carried by some persons and therefore, the petitioner was apprehended along with other co-accused. However, it is admitted that the FSL report is still awaited.

I have heard learned counsel for the parties.

In view of the judgment rendered in ***Inderjeet Singh @ Laddi and others vs. State of Punjab*** (supra) and that the petitioner herein has been in custody since 02.06.2020 and that FSL report is still awaited and 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 and the petitioner is directed to be released on interim regular bail on execution of adequate personal/surety bond 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 receipt of 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.

(JAISHREE THAKUR)
JUDGE

February 24, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No