

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

(203)

CRM-M-30995-2021.

Date of Decision:-12.11.2021.

Gurwinder Singh @ Sethi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.14 dated 29.01.2021 under Section 22 of the NDPS Act, 1985, registered at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 03.06.2021 and although challan in the present case has been filed but, however, FSL report has not been received by the prosecution agency.

Learned counsel for the petitioner has relied upon a judgment passed by a Co-ordinate Bench of this Court in *CRM-M-19918-2021* titled as **"Sandeep Singh @ Sippi Vs. State of Haryana"**, in which the co-accused i.e., the petitioner therein was released on interim bail on account of the fact that the FSL report had not been received and in view of the observations made by a Division Bench of this Court in **Inderjeet Singh @ Laddi and**

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others Vs. State of Punjab : 2014 (3) R.C.R. (Criminal) 953.

Learned State counsel, on instructions from ASI Rakesh Kumar, has not disputed the fact that the FSL report has not been received as yet.

Keeping in view the fact that the FSL report has not been received and in view of the observations made by a Division Bench of this Court in Inderjeet Singh's case (supra) and also the fact that the co-accused of the petitioner i.e., Sandeep Singh @ Sippi has already been granted the concession of interim bail by a Co-ordinate Bench of this Court in CRM-M-19918-2021 vide order dated 25.05.2021, the present petitioner is ordered to be released on interim bail, till receipt of the FSL report, on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. On receipt of the FSL report, the petitioner shall apply for regular bail before the trial Court who shall be at liberty to decide the same, in accordance with law, keeping in view the FSL report.

The interim relief has been granted only on account of the fact that the FSL report has not been received, without expressing any opinion on the merits of the case. The petitioner is also directed to surrender once the FSL report is received and the trial Court would then consider the regular bail application, if any, moved by the petitioner independent of the observations made in the present order.

The present petition is disposed of in the above terms.

(VIKAS BAHL)
JUDGE

November 12, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No