

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

222

**CRM-M-39082-2020
Date of decision: 14.01.2021**

HARMEET SINGH @ SHAMBHU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.248 dated 23.07.2020 registered under Section 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') in Police Station Sadar Sirsa, District Sirsa.

As per the prosecution version, on 23.07.2020 the police party headed by ASI Ashok Kumar apprehended the petitioner and co-accused Surjeet alias Bablu who were travelling on motorcycle being driven by the petitioner. Co-accused Surjeet alias Bablu being pillion rider was holding a white coloured plastic bag. On search recovery of 610 capsules of Tramadol Hydrochloride Diclofenac Sodium, Dicyclomine Hydrochloride and Chlorpheniramine Maleate Capsules

Parvorin-Spas Ridley bearing batch No. PAR 2013 were recovered from their possession. The accused failed to produce any permit or license for keeping the recovered narcotic drugs.

The petitioner being in custody since his arrest has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of the State.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery of contraband was made from the plastic bag which was held by co-accused Surjeet Singh @ Bablu. Co-accused Surjeet Singh @ Bablu has already been granted interim bail by this Court vide order dated 09.11.2020. No independent witness was joined by the police. The petitioner is not involved in any other case under the NDPS Act. The FSL report has not been received so far. The petitioner is in custody since 23.07.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having kept in his possession huge quantity of the contraband. The petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that FSL

report in the case has not been received so far and that the petitioner is not involved in any other case under the NDPS Act.

At this stage, learned Counsel for the petitioner has submitted that the petition may be treated as one for grant of interim bail till receipt of FSL Report and restricted his prayer made in the petition to grant of interim bail till receipt of FSL Report.

In view of the fact that the FSL report in the case has not been received so far and observations of this Court in Para No.54 of the judgment passed in *Inderjeet Singh @ Laddi and others Vs. State of Punjab : 2014(3) RCR (Criminal) 953* favouring release on interim bail till receipt of FSL report and parity with co-accused who has been granted interim regular bail till receipt of FSL Report but without commenting on merits of the case, I am inclined to extend the concession of interim regular bail to the petitioner till receipt of FSL report.

In view of the above, the petition is disposed of and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

On notice of receipt of FSL report, the petitioner shall surrender and apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

14.01.2021
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No