

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43862-2021

Date of decision : 14.12.2021

Dr.Krishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.383 dated 17.06.2021 registered under Section 17, 31-I of Drugs and Cosmetics Act, 1940 and Sections 21, 25 (Act No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 467, 468, 471 IPC at Police Station Assandh, District Karnal.

Learned counsel for the petitioner has submitted that although the present case is a case of grant for regular bail but however, in view of the fact that the FSL report has not been received till now and the petitioner has been in custody since 17.06.2021, the petitioner is restricting his prayer in the present petition to concession of interim bail in light of the decision of a Division Bench of this Court in ***“Inderjeet Singh @ Laddi and others vs. State of Punjab”*** reported as ***2014(3) RCR (Criminal) 953***. He has also

relied upon the order dated 06.07.2021 passed by a co-ordinate Bench of this Court in CRM-M-24145-2021 titled as “**Lakhwinder Singh alias Lakha Vs. State of Punjab**” in support of his arguments.

Learned counsel for the petitioner has submitted that the petitioner is a doctor by profession and has been in custody since 17.06.2021 and in spite of a lapse of more than 5 ½ months, the FSL report has not been received till date. It is further submitted that the petitioner is not involved in any other case, therefore, the petitioner is entitled to be released on interim bail.

Learned State counsel on the other hand has opposed the prayer for interim bail but however has not disputed the fact that the petitioner was arrested on 17.06.2021 and the FSL report has not been received till date.

This Court has heard learned counsel for the parties and perused the record.

In **Lakhwinder Singh alias Lakha's** case (supra), a co-ordinate Bench of this Court had granted interim bail to the petitioner therein on 06.07.2021 wherein the arrest was made on 30.03.2021 on the ground that the report of FSL was being unnecessarily delayed. In the present case, it is not in dispute that the petitioner was arrested on 17.06.2021 and till date the FSL report has not been received and thus, keeping in view the judgment of division Bench of this Court in **Inderjit Singh @ Laddi's** case (supra) as well as order passed by a co-ordinate Bench of this Court in **Lakhwinder Singh alias Lakha's** case (supra), the petitioner is ordered to be released on interim bail, till the receipt of the report of FSL, subject to his furnishing bail bonds / surety bonds to the satisfaction of concerned Chief Judicial Magistrate / Duty Magistrate/ trial Court, provided that he is not required in

any other case. It is further clarified that in case the petitioner is involved in any other case under the NDPS Act, the prosecution would be at liberty to move an application for cancellation of interim bail granted by this order. It is further directed that the petitioner would ensure his presence on each and every date of hearing, except on the date when the personal appearance of the petitioner is specifically exempted and if the FSL report upon being received, comes out to be against the petitioner, he shall surrender before the trial Court.

The petition is allowed in the aforesaid terms.

(VIKAS BAHL)
JUDGE

December 14, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No