

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

CRM-M-40359-2020

Date of decision:11.02.2021

Sanjay Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Raj Kumar Rana, Advocate for the petitioner.

Mr. Apoorv Garg, D.A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of an affidavit dated 11.02.2021 of Deputy Superintendent, Central Jail, Ambala, filed through email, is taken on record.

Status report by way of an affidavit dated 06.02.2021 of Deputy Superintendent of Police, Ambala, filed in the Registry, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.12 dated 08.08.2020 registered at Police Station Sector 9, Ambala City, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in judicial custody since 08.08.2020. He also submits that the report of FSL is still awaited. He restricts his prayer to the extent that the

the petitioner may be released on interim bail till the report of FSL is received.

In support of his contentions, he relies upon ***Inderjeet Singh @ Laddi and others vs State of Punjab***, 2014 (3) RCR (Criminal) 953. He also states that the petitioner is not involved in any other case .

Learned State counsel does not dispute the aforesaid factual position, but opposes the prayer made by the learned counsel for the petitioner.

I have heard learned counsel for the parties.

A Division Bench of this Court in ***Inderjeet Singh @ Laddi's case (supra)***, has held that the accused-petitioner can be granted interim bail till the report of FSL is received.

Accordingly, the petitioner is ordered to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, till receiving of the FSL report. 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 of the FSL report.

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

Disposed of.

11.02.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No