

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42958-2020 (O&M)

Date of decision: 04.01.2021

Bohar Singh @ Bohra

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0169 dated 31.10.2020 under Section 18 of NDPS Act, registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on a secret information that the petitioner along with co-accused Rajwant Kaur are selling opium, the petitioner was apprehended and 800 grams of opium was recovered. It is further submitted that recovery is of non-commercial quantity and the petitioner is not involved in any other case and FSL report is still awaited. Learned counsel for the petitioner has relied upon **Inderjeet Singh @ Laddi and others vs State of Punjab, 2014 (3) RCR (Criminal) 953** to contend that till report of the FSL is received, the petitioner may be released on interim bail.

Learned State counsel has filed the custody certificate dated 02.01.2021 in the Court today and as per this custody certificate, the petitioner is in custody for the last more than two months and is not involved in any other case.

Without commenting anything upon merits of the case and in view of the judgment of this Court in **Inderjeet Singh @ Laddi's** case (supra), wherein it has been held that awaiting the report of Chemical Examiner/FSL, the sentence of the petitioner can be suspended till receiving of such report, this petition is disposed of and the petitioner is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, till receiving of the FSL report.

The petitioner shall submit an undertaking before the trial Court along with his bail/surety bonds that he will surrender before the trial Court on receiving the report of FSL.

[ARVIND SINGH SANGWAN]
JUDGE

04.01.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No