

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

CRM-M-43004-2020 (O&M)

Date of decision: 28.01.2021

Raghvir Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 363 dated 18.10.2020 registered under Section 22(b) of NDPS Act, 1985, at Police Station Sadar Dabawali, District Sirsa.

Copy of reply by way of affidavit dated 13.01.2021 of the Deputy Superintendent of Police, Dabwali, District Sirsa, already filed in the Registry, is taken on record.

Learned counsel for the petitioner points out that in the aforesaid reply, it is stated that the alleged recovery effected from the petitioner falls under the commercial quantity. Also in the order dated 04.12.2020 passed by

the learned Additional Session Judge, Sirsa, the alleged recovery has wrongly been mentioned as 1600 intoxicating capsules, whereas as per the FIR, the alleged recovery was of 200 capsules, which falls under the non-commercial quantity.

Learned counsel for the petitioner submits that the petitioner has been in judicial custody since 18.10.2020. He also submits that the report of FSL is still awaited. At this stage, 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 the receipt 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 in misusing the concession of bail, in any manner.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

28.01.2021
Mangal Singh

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