

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

CRM-M-38075-2023

Date of Decision:09.08.2023

Harmesh Lal @ Lala Gujjar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.117 dated 28.05.2023 registered under Section 22 of NDPS Act, at Police Station Mahilpur, District Hoshiarpur.

2. As per story of the prosecution, a police party headed by ASI Anil Kumar was on patrolling duty and one person was noticed on a motorcycle. On suspicion, he was apprehended and on inquiry, he disclosed his name as Harmesh Lal @ Lala Gujjar. On searching, 905 loose intoxicant tablets and 28 Tramadol Hydrochloride (Cepamol-T2) were recovered from him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that recovery of the alleged contraband was planted on him and the report of the FSL is yet to

be received and keeping in view the law laid down in the matter of **“Inderjeet Singh @ Laddi and others Vs. State of Punjab” 2014(3) RCR (Criminal) 953**, the petitioner is entitled to concession of interim bail.

4. On the other hand, learned counsel appearing on behalf of the State of Punjab has vehemently opposed the grant of concession of bail to the petitioner. However, even the learned State counsel does not dispute the fact that the FSL report has not been received so far.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody for the last about two months and as per the admitted case of the parties, the FSL report is still awaited and the trial shall formally commence only after the receipt of the FSL report, so no meaningful purpose would be served by keeping the petitioner in custody.

7. At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioner is directed to be released on interim bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/ Duty Magistrate, till the FSL report is received. 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 the FSL report. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

09.08.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE