

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40104 of 2023 (O&M)
Date of Decision: 22.08.2023

Jaibir Singh @ Gyani

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Mohit Garg, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.121 dated 20.06.2023, under Sections 20B(ii)/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Behal, District Bhiwani.

(2) Learned Counsel for the petitioner submits that instead of pressing the petition for bail, pending trial, petitioner may be granted the concession of interim bail till the receipt of the FSL report, which has not been received till date. He has cited the Division Bench judgment of this Court titled as '**Inderjeet Singh @ Laddi and others Versus State of Punjab**', 2014(3) RCR (Criminal) 953 in support of his contention that in such an eventuality, interim bail is to be granted to the accused. Further submits that petitioner is in custody since 20.06.2023.

- (3) The factum of non-receipt of FSL report is duly acknowledged by learned State Counsel, on instructions.
- (4) Since the petitioner is in custody for the last more than two months and FSL report is yet to be received to establish regarding the factum of salt of the contraband and keeping in view the ratio of above judgment (*supra*), the present petition is disposed off with a direction that petitioner be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.
- (5) It is clarified that the interim bail will come to an end automatically, the moment report of FSL is received in the trial Court and he would be liable to surrender before learned trial Court forthwith.
- (6) Pending application(s), if any, shall also stand disposed off.

August 22nd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>