

(2022-1)205 PLR 368

PUNJAB AND HARYANA HIGH COURT

Before: Justice Jaishree Thakur.

JAGSEER SINGH and Anr – Petitioners,

versus

STATE OF PUNJAB – Respondent

CRM-M-36096 of 2021

Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), Section 22 – Code of Criminal Procedure, 1973 (2 of 1974), Section 439 – Interim bail – Challan without FSL report – Petitioners herein have been in custody and FSL report is still awaited and the trial will commence only after receipt of the FSL report – No useful purpose would be served in keeping the petitioners behind bars – Directed to be released on interim bail till the FSL report is received – Petitioners shall submit an undertaking that they will surrender before the trial Court on receiving the FSL report.

[Para 5, 6]

Cases referred:

1. 2014 Plonline 0100, *Inderjeet Singh @ Laddi v. State of Punjab*

Jaishree Thakur, J. (Oral) – (23.11.21) – This is a petition that has been filed under Section 439 Cr.P.C. for grant of interim bail to the petitioners in case FIR No.216, dated 27.07.2021, under Section 22 (Act No.61) of NDPS Act, 1985, registered at Police Station Sadar Mansa, District Mansa, till the receipt of FSL report.

2. Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 27.07.2021. It is submitted that the petitioners have been falsely implicated in the present case. It is also contended that FSL report is still awaited and till such time the FSL report is not being received, the petitioners are entitled to be enlarged on interim bail. In support of his arguments, counsel for the petitioners relies upon judgment rendered in *Inderjeet Singh @ Laddi and others vs. State of Punjab*,¹ 2014 Plonline 0100, 2014(3) RCR (Criminal) 953.

3. Per contra, learned counsel appearing on behalf of respondent-State opposes the grant of bail to the petitioners, however, does not dispute the fact that FSL report is still awaited.

4. I have heard learned counsel for the parties.

5. In view of the judgment rendered in *Inderjeet Singh @ Laddi's case* (supra) and the facts that the petitioners herein have been in custody since 27.07.2021 and FSL report is still awaited and the trial will commence only after receipt of the FSL report, no useful purpose would be served in keeping the petitioners behind bars.

6. At this stage, without commenting on the merits of the case, the instant petition is disposed of and the petitioners are 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 petitioners shall submit an undertaking before the trial court/Duty Magistrate along with their bail/surety bonds that they 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 petitioners are found misusing the concession of bail, in any manner.SS - *Bail granted*