

S.No.108

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

CRR No.797 of 2019 (O&M)

Date of Decision:02.04.2019

Sunil KumarPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Navneet Jindal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner challenging the order dated 16.03.2019 passed by the trial Court, whereby the application filed by the petitioner under Section 167(2) Cr.P.C for granting the petitioner default bail, on account of the prosecution not having filed the complete challan, has been declined. The petitioner was involved in a case pertaining to narcotic drugs and psychotropic substance; in which recovery of 5 quintals 25 kg of poppy husk is alleged to have been effected from him.

Learned counsel for the petitioner has submitted that, admittedly, the petitioner was arrested on 01.06.2018. Although challan was filed on 30.08.2018, however, the FSL report, certifying that the material recovered from him was the poppy husk, was not filed within the stipulated period of 180 days which expired in December, 2018. Hence, the petitioner has become entitled to bail on account of complete challan not having been filed within statutory limit. Learned counsel for the petitioner has relied upon a judgment of Division Bench of this Court in **CRR No.4659 of 2015**

– Ajit Singh alias Jeeta and another Vs. State of Punjab dated 30.11.2018 to support his contention that if the FSL report

is not filed along with the challan then it cannot be taken as a complete challan and further that even if the FSL report is filed after the statutory period of 180 days to complete the challan, that would also not defeat the right of the petitioner to get enlarged on default bail under Section 167(2) Cr.P.C. Accordingly, it is prayed that the application filed by the petitioner has wrongly been declined by the trial Court.

Notice of motion.

On asking of the Court, Mr. Parveen Aggarwal, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, submits that the FSL report has been filed before the trial Court on 20.03.2019. It is further submitted that the petitioner is involved in recovery of commercial quantity of the prohibited substance. However, he has not been able to dispute the law laid down by the Division Bench of this Court in **Ajit Singh's case** mentioned above.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 02, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No