

Sr. No.205

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

CRM-M-47278-2018(O&M)

Date of decision:02.04.2019

Mahender Singh

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.K.Ganga, Advocate
for the petitioner.

Mr. Praveen Aggarwal, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.658, dated 12.07.2018 for the offences punishable under Sections 21/22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sirsa City, District Sirsa, Haryana.

Learned counsel for the petitioner contends that although the case against the petitioner is totally concocted and she is otherwise entitled to bail pending trial on the merits of the case, however, the petitioner is entitled to default bail under Section 167(2) Cr.P.C as well; because neither the FSL report was filed alongwith the challan nor has the same been filed till today. The statutory period of 180 days is already over. Hence the petitioner deserves to be released from custody in terms of provisions of Section 167(2) Cr.P.C. Learned counsel has relied upon the judgment of the Division Bench of this Court rendered in ***CRR-4659-2015*** titled as ***Ajit Singh @ Jeet and another versus State of Punjab***. Learned counsel has further submitted that the petitioner is in custody since 12.07.2018. There is

no other case against the petitioner.

On the other hand, learned State counsel, being assisted by SI Nihal Singh, submits that there is a huge recovery of 3000 tablets containing prohibited substance Tramadol. Therefore, petitioner does not deserve the concession of bail. However, it is not disputed that the petitioner is in custody since 12.07.2018 and that the FSL report has not been submitted before the Court even till today. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

2nd April, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*