

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1.

CRR-405-2018

Pardeep

Versus

State of Haryana

..... Petitioner

..... Respondent
2.

CRR-1097-2018

Ramesh @ Bori

Versus

State of Haryana

..... Petitioner

..... Respondent
3.

CRR-4614-2017

Baljinder Singh

Versus

State of UT Chandigarh

..... Petitioner

..... Respondent
4.

CRR-1268-2018

Ranjeet

Versus

State of Haryana

..... Petitioner

..... Respondent
5.

CRR-1288-2018

Suresh

Versus

State of Haryana

..... Petitioner

..... Respondent

Date of decision: 20.05.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. RA Sheoran, Advocate, for the petitioner(s)
(in CRR Nos. 405, 1097, 1268 and 1288-2018).

Mr. Ritesh Pandey, Advocate
for the petitioner (in CRR-4614-2017).

Mr. Munish Sharma, AAG, Haryana.

Mr. Rajiv Sharma, APP for UT Chandigarh
(in CRR-4614-2017).

RAMENDRA JAIN, J. (ORAL)

By this common judgment, above titled five revisions on similar facts are being disposed of. The petitioners in the said revisions were booked and tried in the following FIRs. registered in the State of Haryana and UT Chandigarh:-

1. Pardeep (<u>in CRR-405-2018</u>)	FIR No. 0295 dated 22.06.2017 registered under Section 20 of the NDPS Act, at Police Station Sadar Dadri, Charkhi Dadri , District Bhiwani.
2. Ramesh @ Bori (<u>in CRR-1097-2018</u>)	FIR No. 397 dated 06.07.2017 registered under Sections 15, 16, 25 and 27-A of the NDPS Act, at Police Station Sadar, Bhiwani.
3. Baljinder Singh (<u>in CRR-4614-2017</u>)	FIR No. 84 dated 22.03.2017 registered under Section 20 of the NDPS Act at Police Station Sector-36, Chandigarh.
4. Ranjeet (<u>in CRR-1268-2018</u>)	FIR No. 512 dated 26.08.2017 registered under Sections 18, 27-A and 29 of the NDPS Act at Police Station Sadar, Bhiwani.
5. Suresh (<u>in CRR-1288-2018</u>)	FIR No. 512 dated 26.08.2017 registered under Sections 18, 27-A and 29 of the NDPS Act at Police Station Sadar, Bhiwani.

However, incomplete final report under Section 173(2) Cr.P.C., was filed within the prescribed statutory period of 180 days, without FSL report.

Learned counsel for the petitioners contend that submission

of incomplete final report under Section 173(2) Cr.P.C. by the investigating agency against the petitioners, entitles them for their release under Section 167(2) Cr.P.C. A Division Bench of this Court in **CRR-4659-2015, Ajit Singh @ Jeeta and another Vs. State of Punjab and other connected matters**, decided on 30.11.2018, had elaborately dealt with this very issue and held that if, the final report under Section 173(2) Cr.P.C. is filed even within prescribed period of 180 days without any FSL report, the same shall be treated as incomplete, entitling the accused to seek bail under Section 167(2) Cr.P.C.

Learned State counsel for Haryana and UT Chandigarh, have not been able to counter the aforesaid judgment of the Division Bench. Therefore, all the above titled revisions are accepted. The impugned orders dated 15.01.2018 (in CRR-405-2018); 07.02.2018 (in CRR-1097-2018); 13.11.2017 (in CRR-4614-2017) and 22.03.2018 (in CRR Nos. 1268 and 1288-2018) are set aside. Petitioners, namely; Pardeep, Ramesh @ Bori, Baljinder Singh, Ranjeet and Suresh, are ordered to be released on interim bail pending trial under Section 167 (2) Cr.P.C., on their furnishing adequate bail and surety bonds to the satisfaction of trial Court.

May 20, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No