

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

**CRR-983-2020 (O&M)
Date of Decision:12.10.2020**

Melody Yodhanpuri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Swati Verma, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner assails the order dated 15.05.2020 passed by the Judge, Special Court (Duty), Ludhiana, whereby her application for grant of bail under Section 167(2) Cr.P.C. has been dismissed.

Counsel for the parties have been heard.

As per prosecution version, petitioner was apprehended on 01.11.2019 and an alleged recovery of 1 kg of heroin was effected from her. Challan was presented on 27.04.2020 but the same was not accompanied by the report of the Chemical Examiner. After expiry of 180 days, petitioner moved an application before the Special Court in the first weeks of May, 2020 seeking bail in terms of provision of Section 167(2) Cr.P.C. on the premise that the Chemical Examiner's report not having been filed, the

challan even though filed earlier, shall be treated to be incomplete challan and as such, the petitioner would be entitled to release on bail in terms of the provision under Section 167(2) Cr.P.C.

It is not in dispute that report of the FSL was filed in the trial Court after expiry of 180 days from the date of arrest of the petitioner.

The prosecution never sought any extension in this regard.

Consequently, in terms of the law laid down by a Division Bench in **Ajit Singh @ Jeeta & another Vs. State of Punjab (CRR-4659-2015)** decided on 30.11.2018, petitioner is entitled to be released on bail on the premise that the challan without the report of the FSL would treated to be an incomplete challan.

Petition, as such, is accepted. The impugned order dated 15.05.2020 passed by the Judge, Special Court (Duty), Ludhiana is set aside. The petitioner, namely, Melody Yodhanpuri is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petition allowed in the afore said terms.

12.10.2020*harjeet***(TEJINDER SINGH DHINDSA)****JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |