

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

**CRR No.1626 of 2019 (O&M)
Date of decision: 22.05.2020**

Janta Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Munish Sharma, AAG, Haryana.

Ritu Bahri, J.

CRM-11155-2020

For the reasons mentioned in the application, same is allowed and the main petition i.e. CRR-1626-2019 is taken up today itself.

CRR No.1626 of 2019

This petition has been filed against the order dated 02.05.2019 passed by the Additional Sessions Judge, Sirsa, whereby application filed by the petitioner under Section 167 (2) Cr.P.C. for enlarging him on default bail for not filing the proper challan/police report has been declined.

The petitioner was apprehended in FIR No.98 dated 23.10.2018, under Section 22 (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Rori, District Sirsa. Since then, he is in custody. Thereafter, prosecution presented the challan, but the same did not

accompany the FSL/Chemical Analysis report.

After hearing learned counsel for the parties and keeping in view the judgment passed by the Division Bench of this Court in Ajit Singh alias Jeeta and another vs. State of Punjab, CRR No.4659 of 2015, the respondent-State is bound to annex the report of Chemical Examiner along with the challan under Section 173 Cr.P.C. On the other side, if the report is not accompanied with the challan, then the prosecution can seek time for placing on record the said report.

Learned State counsel has informed that when the first application for grant of default bail was filed, no application for extension of time was made by the prosecution.

In view of the said fact and after going through the judgment passed by Division Bench of this Court in Ajit Singh's case (supra), the petitioner deserves the concession of bail under the provisions of Section 167 (2) Cr.P.C.

Accordingly, the present petition is allowed, the impugned order dated 02.05.2019 is set aside and the petitioner is ordered to be released on bail under Section 167 (2) Cr.P.C., subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate, Sirsa.

22.05.2020
ajp

(RITU BAHRI)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No