

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1004-2020 (O & M)
Date of Decision: 10.05.2021

Ajay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Tanwar, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

On the oral request of the counsel for the parties, the main case, which is fixed for hearing on 10.09.2021, is taken on Board, for final disposal.

Challenge in the present revision petition is to the order dated 02.07.2020 passed by the learned Additional Sessions Judge, Jind, whereby an application filed by the petitioner for the grant of bail under Section 167(2) Cr.P.C. was dismissed.

As per the prosecution version, the petitioner and his co-accused, namely, Suresh, were apprehended on the basis of some secret information and charas weighing 2.560 kgs. and 4.603 kgs. was recovered from them, respectively. After

completion of the investigation, the police filed the report under Section 173 Cr.P.C. against them, on 01.02.2020, but without FSL report.

Learned counsel for the petitioner submits that the statutory period for filing the challan in NDPS cases is 180 days. The petitioner was arrested on 29.12.2019 in the above-noted FIR. The challan was presented on 01.02.2020 but without any report from the FSL. However, the FSL report was filed on 01.07.2020, which was beyond the statutory period of 180 days. Therefore, an indefeasible right had accrued to the petitioner to be released on bail under Section 167 (2) Cr.P.C. In support of his contentions, he relies upon the decisions dated 19.07.2017 passed in CRR-1347-2017, titled as 'Ravi Dutt Sharma Vs. State of Haryana', dated 17.02.2018 in CRR-4855-2017, titled as 'Vikram @ Dhillu Vs. State of Haryana', dated 26.03.2021 in CRM-M-11271-2021, titled as 'Saleem @ Mulla Vs. State of Haryana', and dated 05.04.2021 in CRR-241-2021, titled as 'Shripal Vs. State of Haryana'.

E converso, the learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that though the challan filed on 01.02.2020, was without the FSL report yet the FSL report having been filed on 07.06.2020, as is apparent from Annexure R-1, the petitioner is not entitled to plead his cause for the default bail. He further submits that the factum of filing of the FSL report, has wrongly been reflected in the impugned order passed by the trial Court due to the virtual hearing. Thus, it is contended that the FSL

report having been filed within the period of 180 days, no indefeasible right has ever accrued to the petitioner.

I have heard the learned counsel for the parties.

The learned counsel appearing for the petitioner, basing his submissions on the basis of various decisions of the Coordinate Benches of this Court, vehemently pleads the release of the petitioner under Section 167(2) Cr.P.C. However, he could not controvert the aforesaid submission of the learned State counsel that the FSL report had been filed well within 180 days. Merely because the case came up for hearing before the trial Court through a virtual mode at a later point of time, would not term the FSL report filed on 07.06.2020, to be the one filed on 01.07.2020.

In view of the above, I do not find any merit in the present petition.

Dismissed.

10.05.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No