

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

**CRR No.810 of 2021
Date of Decision: 21.09.2021**

Angrej Singh

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Gurdarshan Singh Sidhu, Advocate
for the revisionist-petitioner.

Mr. S.S.Pannu, DAG, Haryana.

MEENAKSHI I. MEHTA, J.

By way of the present revision petition, the petitioner has assailed the order as handed down by learned Additional Sessions Judge, Sirsa, on 10.06.2021 whereby the application moved by him under Section 167(2) Cr.P.C for seeking the default bail in the criminal case pertaining to the FIR bearing No.380 dated 25.10.2020 registered at Police Station City Dabwali, under Section 22 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the NDPS Act"), has been dismissed and has also claimed the afore-said relief.

2. Bereft of unnecessary details, the allegations, as levelled against the petitioner in the subject FIR, are that he was apprehended by the police party headed by ASI Charanjit Singh and the search of the plastic

bag, which he was carrying in his hand, had resulted in the recovery of 2800 Tramadol Hydrochloride Tablets 100 mg, TREDOL-100.

3. Status-report filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Dabwali, District Sirsa, is already available on the file and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

5. Learned counsel for the petitioner has contended that the petitioner was arrested on 25.10.2020 and though the Challan was presented against him on 19.01.2021 but the same was incomplete as the FSL report had not been annexed therewith, so as to enable the trial Court to take cognizance in the matter and therefore, the petitioner was entitled to the default/statutory bail as envisaged under Section 167(2) Cr.P.C.

6. Per contra, learned State counsel has argued that the Challan has been presented against the petitioner within the stipulated period, on completion of the investigation and the FSL report would also be submitted for being enclosed therewith, on its receipt and the Challan, so presented, cannot be termed to be incomplete on the said count and therefore, the petitioner is not entitled to the default bail and this revision petition deserves dismissal.

7. Concededly, the Challan has been presented in this case within the prescribed/stipulated period. Although, the report of the FSL had not been submitted along-with the Challan as the same was still awaited on the

date of its presentation in the Court but it is worth-while to mention here that a three Judges' Bench of the Apex Court has categorically observed in **Suresh Kumar Bhikam Chand Jain vs. State of Maharashtra and another, SLP (Criminal) No.147 of 2013 Decided on 13.02.2013**, that *"where a public servant was arrested under the provisions of Prevention of Corruption Act and the investigation was conducted without the sanction of the Competent Authority and the charge-sheet was filed within the stipulated period of 90 days but the cognizance was not taken by the Magistrate for want of sanction, the accused was not entitled to bail under Section 167(2) Cr.P.C and the filing of the charge-sheet was sufficient compliance with the provisions of Section 167(2)(a)(ii) Cr.P.C in the case and whether cognizance was taken or not was not material as far as Section 167 Cr.P.C was concerned"*.

8. The case in hand is squarely covered by the above-cited verdict because the plea taken therein was that the cognizance was not taken by the Magistrate for want of the sanction as required to be sought from the State Government concerned and in the present case also, the stand of the petitioner is that in the absence of the report of the FSL, the Court would be unable to take cognizance in the matter. It being so, it is quite explicit that the Challan presented in the Court in this case, cannot be construed to be incomplete so as to entitle the petitioner to seek the statutory/default bail and the impugned order dated 10.06.2021 does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court.

9. As a sequel to the fore-going discussion, it follows that the instant revision petition, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

21st September, 2021
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>