

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRR-892-2021
Date of Decision: 26th November, 2021**

Sukhdeep Singh @ Sippa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : None for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana for the respondent-State.

AVNEESH JHINGAN, J.(Oral)

1. The petitioner aggrieved of the impugned order dated 29.06.2021, dismissing the application for default bail on account of filing incomplete challan has filed the criminal revision.

2. The brief facts are that the petitioner along with co-accused on 30th October, 2020 was apprehended by the police party and 2820 tablets of Tramadol Hydrochloride were recovered. The challan was presented on 28th April, 2021 without FSL report.

3. On last date, a specific query was put to the State counsel that if extension of time for presenting challan was sought and if not whether any official was held responsible, she took time to file better affidavit. Status report dated 22nd November, 2021 by way of affidavit is filed stating that SI Gurmit Singh was found negligent for not applying for extension of time and departmental inquiry has been initiated against him. It is further pleaded that FSL report till date not ready.

4. The issue in the present petition is:- *Whether filing of the challan without FSL report, tantamount to filing incomplete challan?* The issue was referred to a Division Bench and interim bail was granted in those cases.

5. Similar case was dealt by this Court in ***Suresh v. State of Haryana***, CRR No. 1135 of 2020 decided on 18.11.2020.

6. Learned State counsel opposes the bail but is not in a position to distinguish the present case vis-a-vis the case relied upon by the petitioner.

7. The operative part of order in case of **Suresh case (supra)** is quoted below:

*“Taking into account all the above circumstances, the Criminal Revision Petition is allowed at this stage and the petitioner is permitted to be conditionally released on bail to the satisfaction of the Ld. Trial Court concerned. It is however clarified that in case of any different result coming forth from that in the decision in **Ajit Singh alias Jeeta's case (supra)**, the State would be at liberty to seek cancellation/modification of this order, if warranted at that stage.”*

8. The present petition is disposed of in the same terms as in CRR No. 1135 of 2020.

(AVNEESH JHINGAN)
JUDGE

26th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No