

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

CRR No. 1221 of 2020

DECIDED ON: 15th FEBRUARY, 2021

Sumit @ Mittu

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Amit Choudhary, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This criminal revision petition is filed seeking release of petitioner under Section 167(2) Cr.P.C.

The issue in the present petition is that in case of filing of the challan without FSL report tantamount to filing incomplete challan. The issue was referred to a Division Bench and interim bail were granted in those cases.

Learned counsel for the petitioner relies upon decision of this Court in *Suresh Versus State of Haryana*, CRR No. 1135 of 2020 decided on 18.11.2020.

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

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.”*

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

15th FEBRUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*