

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

CRR-1644 of 2021

Date of decision: 13.12.2021

Harbans Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Sidhu, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

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. In CRR-892 of 2021 filed by co-accused seeking default bail, 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. Status report dated 22nd November, 2021 by way of affidavit was filed stating that SI Gurmit Singh was found negligent for not applying for extension of time and departmental inquiry has been initiated against

him. As per pleading report of FSL was not ready till that date.

4. Today, learned counsel for the State submits that it was a case where on account of negligence of police official, challan without the report of FSL was filed.

5. 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.

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

7. 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.

8. 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.”*

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

[AVNEESH JHINGAN]
JUDGE

13th December, 2021
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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No