

251 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-57-2022

Date of decision: 4th March, 2022

Rajat and others

Petitioners

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Kanika Ahuja, Advocate for the petitioners.
Mr. Karan Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This criminal revision petition is filed aggrieved of order dated 21st September, 2021, rejecting the prayer for default bail of the petitioners.

The brief facts are that petitioners were apprehended on 18th June, 2021 and there was recovery of 128 kilograms of doda post and 7 kilograms, 530 grams of opium from the truck. The petitioners were presented before the Magistrate on 19th June, 2021. Challan was presented on 14th September, 2021 without FSL report.

Learned counsel for the petitioners relies upon the decision of this Court in *Suresh Vesus 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 relied upon by the petitioners. He submits that an application for extension of time was filed

after the dismissal of the application of the petitioners for default bail. The application was dismissed by the trial Court and he is not in a position to submit that any legal remedy was availed against the dismissal order. He, however, fairly submits that till date FSL report has not received.

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.

[AVNEESH JHINGAN]
JUDGE

4th March, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No