

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

CRR No. 477 of 2021

DECIDED ON: 14th January, 2022

Amarjeet Singh alias Amar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. D.N. Ganeriwala, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This criminal revision petition is filed impugning the order dated 26.3.2021 whereby the prayer for default bail was declined.

The police party on 1.7.2020 checked Car bearing registration No.HR-55A-AH-4432. The car was being driven by Sindhu Singh @ Kaka and Amarjit Singh @ Amar and Soran Singh @ Sonu were the occupants. Recovery of 11900 NRX Tramadol Hydrochloride Dicyclomine Hydrochloride and Chlorpheniramine Maleate Capsules Parvorin SPAS Ridley was made. The accused were apprehended at the spot. Challan in case of FIR No. 179 dated 1.7.2020 was presented on 22.9.2020 without the FSL report.

Learned counsel for the petitioner submits that the issue whether presentation of challan without FSL report tantamount to filing incomplete challan, was referred to Division Bench. An interim bail was granted. He further relies upon the decision of this Court in *Suresh Versus State of Haryana, Criminal Revision No. 1135 of 2020, decided on 18.11.2020*.

Learned State counsel opposes the prayer for grant of bail.

During pendency of this revision, a specific query was posed to State of Haryana as to why extension as per provisions of Section 36-A(4) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') was not applied.

Learned State counsel on instructions informed the Court that it was a case of negligence by the Investigating Officer and the Departmental inquiry was initiated against him.

Learned State counsel relied upon the contents of affidavit of Rakesh Kumar Arya, IPS Inspector General of Police, Hisar Range, Hisar, dated 24.9.2021 to submit it was case of negligence.

On 10.1.2022 following order was passed:

"Due to COVID-19 situation, the Court is convened through video conference.

Learned State counsel seeks one last opportunity to have instructions as to whether non-applying of extension of time for filing of challan was due to negligence or for some other reason.

On her request, list on 14th January, 2022.

Photocopy of this order be placed on the file of connected case."

Today on specific instructions she submits that it is merely a case of negligence of Investigating Officer and nothing more.

It would be appropriate to reproduce the operative part of order of **Suresh's case (supra)**.

"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 of **Ajit Singh alias Jeeta's case (supra)**,¹ the State would be at liberty to seek cancellation/modification of this order, if warranted at that stage."

The present revision petition is disposed of in terms of Criminal Revision No. 1135 of 2020.

Since the main revision petition stands disposed of, the pending miscellaneous applications, if any, also stand disposed of.

Before parting it would be necessary to note that the recovery in the present case was heavy. The way the investigation and filing of challan has been dealt with under the stringent Provisions of the Act, needs to be looked into at the appropriate level. As per the stand taken by State it was a case of negligence.

Without commenting upon the stands of the State, it would *suffice-to-say* that it resulted in grant of bail to the petitioner *inspite of* the bar under Section 37 of the Act.

Let copy of this order be sent to Director General of Police, Haryana and if deemed appropriate, necessary steps may be taken.

14th January, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>