

247 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-699-2021

Date of Decision: 05.05.2022

Nishan Singh @ Rinku

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Aggrieved of order dated 2.7.2021 passed by Additional Sessions Judge, Sirsa declining the prayer for grant of default bail, the petitioner is before this Court.

As per the case set up, the petitioner was nominated as an accused in FIR No. 104 dated 25.5.2020 registered under Sections 21/61/85 of NDPS Act at P.S. Ding, Sirsa. The petitioner was apprehended at the spot and there was recovery of 400 grams of Heroin. The petitioner is in custody since 25.5.2020, the challan was presented on 18.11.2020 but without FSL Report.

Learned counsel for the petitioner has placed reliance upon the decision of this Court in *Suresh vs. State of Haryana* passed in CRR No. 1135 of 2020 decided on 18.11.2020.

The issue in the present petition is that:- Whether in case of filing of the challan without FSL report tantamounts to presenting

incomplete challan? The issue was referred to a Division Bench and interim bail were granted in those cases.

Learned State Counsel on instructions from ASI Rakesh Kumar has not disputed the fact that challan was produced without FSL report. Reliance has been placed upon the reply filed, however, it is not disputed that no extension of time for filing the challan was sought. He is not in a position to distinguish the present case viz-a-viz the case relied upon by the petitioner.

The operative part of the order in 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

05.05.2022
anuradha

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