

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

CRR-717 of 2021 (O&M)

DECIDED ON: 5th May, 2022

Rajiv

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. D.S. Virk, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Aggrieved of order dated 7.7.2021, passed by Special Judge, Kaithal, declining the prayer for grant of default bail, the petitioner is before this Court.

As per the pleadings the petitioner was arrested on 3.1.2021 and was sent to the judicial custody on 6.1.2021. Challan was presented on 21.5.2021 without FSL report. The contention is that challan filed is incomplete.

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 tantamount 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 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. She is not in a position to distinguish the present case viz-a-via 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.

5th May, 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>