

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

**CRM-M-38118-2022
DECIDED ON: 31.08.2022**

AADISH KUMAR @ JONY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.167, dated 20.05.2022 (Annexure P-1), under Sections 15/18/61/85 of the NDPS Act, 1985, registered at Police Station City Ratia, District Fatehabad.

Learned Senior counsel for the petitioner contends that in the present case, the challan in the FIR dated 20.05.2022 (Annexure P-1), has been filed on 16.07.2022 without obtaining the report of FSL, which is within the period of 60 days, though, would be termed to be incomplete without the FSL report. He further contends that the recovery is of non-commercial quantity and that too not from the possession of the petitioner but from the house, which is co-owned by him and other co-owners also residing in the said premises.

On the other hand, learned State counsel submits that the issue with regard to the default bail, in case, the challan is filed without the FSL

report is pending before a Larger Bench of this Court in the case titled as '*Julfkar versus State of Haryana*', passed in *CRR-1125-2022* and before Hon'ble Supreme Court in *SLP(Cri) No.8164-8166 of 2021* titled as '*Mohd. Arbaz Etc. versus NCT of Delhi*'.

Meanwhile, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

The petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

31.08.2022

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