

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

213

**CRM-M-54500-2022 (O&M)
Decided on : 20.12.2022**

Rahul Jain

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Akshay Jain, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

At the very outset, learned counsel for the petitioner submits that the limitation of filing of challan within 180 days had expired on 27.09.2022 and by that time although challan had been submitted to the concerned counsel but without FSL report. Thus, he submits that report under Section 173(2) Cr.P.C. is incomplete. He further submits that though at the first instance, no application was filed by the petitioner before the concerned Court under Section 167 (2) of Cr. P.C. but while filing of the present petition on 21.11.2022 before this Court for seeking bail under Section 439 Cr.P.C., plea of Section 167 (2) Cr. P.C. was also taken.

Counsel also submits that during the pendency of the present petition before this Court, FSL report has been submitted by prosecution on 13.12.2022.

In view of the aforementioned circumstances, Mr. Akshay Jain, counsel for the petitioner seeks withdrawal of the present petition with liberty to approach the Court below at first instance to seek plea available to him under Section 167 (2) Cr. P.C., as challan was not filed within 180 days.

Dismissed as withdrawn, with liberty to move the application before learned Lower Court, as stated by petitioner hereinabove.

**(SANJAY VASHISTH)
JUDGE**

20.12.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

