

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-542-2023 (O&M)
Date of decision: 15.05.2023

Neelam Devi
... Petitioner(s)

Versus

State of Haryana
...Respondent (s)

CRR-547-2023 (O&M)

Duryodhan Sahni
... Petitioner(s)

Versus

State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Garima Singh, Advocate
for the petitioner(s).

Mr. Manish Bansal, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
309	12.8.2022	Parao, Ambala Cantt.	18 and 29 NDPS Act

This order shall dispose of two revisions petition i.e. CRR Nos.542 and 547 of 2023, as the same have arisen out of common order and common prayer has been made on both. However, for brevity, facts have been taken from CRR-542-2023.

2. Aggrieved by dismissal of bail application filed under Section 167(2) CrPC by the trial Court, the accused-petitioners have come before this Court by filing the present revision petition(s).

3. As per the case of the accused, the petitioners were arrested on 12.8.2022 and after that, police report was filed on 21.1.2023.

4. Grievance of the petitioner is that police report was filed without annexing copy

of the FSL report and as such, it was an incomplete challan. However, the trial Court did not agree with the contentions on behalf of the petitioner(s) and dismissed the said application on the ground that challan was not incomplete in absence of FSL report.

5. A perusal of the revision petition reveals that copy of such default bail petition has not been annexed with both the bail petitions. As such, further reasons cannot be taken.

6. On 24.4.2023, this Court had asked the State to get the FSL report filed by the next date i.e. 15.5.2023, failing which, the petitioner(s) shall be entitled for bail. Today, when the matter was taken up, State handed over the FSL report and it was found that substances seized from the petitioner(s) were found to be heroine.

7. Now, since FSL report has been filed and police report/challan was already filed within 180 days, as such, no indefeasible right has accrued in favour of the petitioner(s). As such, the present petitions are dismissed. However, liberty reserved to the petitioners to file bail application(s) on merits before the trial Court or this Court in accordance with law.

8. It needs to be emphasized that the trial Court should have granted interim bail to the petitioners till filing of the FSL report by referring to judgment in *Inderjit Singh @ Laddi Vs. State of Punjab 2014(3) RCR (Cri) 953*.

9. A photocopy of this order be placed on the file of other connected case.

(ANOOP CHITKARA)
JUDGE

May 15, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No