

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRR-1062-2023 (O&M)

Date of Decision: 31.07.2023

KULDEEP @ MATRRI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Challenge is to the order dated 27.02.2023 passed by the learned trial Court, vide which the application filed by the petitioner seeking default bail under Section 167(2) Cr.P.C. was dismissed.

On 24.04.2023, a Coordinate Bench of this Court, has passed the following order:-

'After arguing for sometime, learned counsel for the petitioner prays for an adjournment to prepare on the aspect as to whether the prayer made in the instant revision petition with regard to the quashing of order dated 10.02.2023, vide which extension of time was granted by the Court below is maintainable along with the revision petition, wherein default bail under Section 167(2) has been sought.

Adjourned to 03.05.2023'.

Learned counsel for the petitioner submits that the order under challenge is an interlocutory one and thus, revision petition qua the same is maintainable. He further submits that on 02.02.2023, an

application seeking extension of time to file the FSL report was moved by the investigating officer through the Public Prosecutor; that the said application was allowed vide order dated 10.02.2023 passed by the Court below and the time was extended to submit the FSL report and that, though, the application seeking default bail was filed within time, yet the fact remains that the same was not taken into consideration by the Court below. He further submits that the report was never attached with the application by the Public Prosecutor.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 20.08.2009 passed by the Hon'ble Supreme Court in Criminal Appeal No.2008-2009 of 2000 titled as Sanjay Kumar Kedia @ Sanjay Kedia vs Intelligence Officer, Narcotic Control Bureau and another, 2009 (17) SCC 631 and order dated 19.09.2022 passed by this Court in CRR-1357-2022 titled as Gurmej Singh and others vs State of Haryana and others, 2023 (1) RCR (Criminal) 339.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Additional AG Haryana, accepts notice on behalf of the respondent-State. He submits that the application seeking extension of time was filed on 02.02.2023; that the statutory period for filing the FSL report was to expire on 12.02.2023 and that vide order dated 10.02.2023, the time for filing the FSL report was extended for a period of three months starting from 12.02.2023. He argues that all these facts have rightly been taken

into consideration and discussed by the Court below while passing the order impugned herein and application was duly supported with the report of the Public Prosecutor.

I have heard the learned counsel for the parties.

As noticed above, the FSL report was to be filed by 12.02.2023. However, on 02.02.2023, an application for extension of time to file the FSL report was moved by the learned Public Prosecutor along with the report of the Public Prosecutor. The said application was allowed on 10.02.2023 enabling the prosecution to file the FSL report within extended period of three months starting from 12.02.2023.

The petitioner moved the application seeking default bail on 24.02.2023 i.e. after the date on which the period for filing the FSL report was extended.

In view of the above, no ground is made out to set aside the order impugned herein.

Dismissed.

31.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No