

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRR-1682-2021 (O&M)

Date of Decision:03.07.2023

Surinder @ Gollu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Navneet Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN J.(Oral)

1. This revision petition is filed aggrieved of order dated 30.11.2021 rejecting the prayer of the bail filed under Section 167 (2) (A) Cr.P.C. The petitioner is an accused in FIR No.310 dated 13.05.2021 under Sections 15, 25 and 29 of NDPS Act, registered in Police Station Assandh, District Karnal.
2. The petitioner sought default bail on the ground that the challan presented without FSL report, was an incomplete challan
3. On 15.12.2021 the following order was passed :-

“Due to COVID-19 situation, the matter is taken up for hearing through Video Conferencing.

Learned counsel for the petitioner contends that in the present case the challan was presented on 16th September, 2021 but without FSL report, which tantamount to filing incomplete challan.

He further submits that Superintendent of Police, Karnal has sent a letter on 15th September, 2021 to the Director, Forensic Science Laboratory, Madhuban to expedite the examination of the contraband but the said FSL report has not received the light of the day till date.

Learned counsel for the petitioner has placed reliance upon the order dated 29th November, 2021 passed in CRR-755-2021 titled as Krishan Singh vs. State of Haryana; wherein, it was held that challan filed without FSL report would not be considered as a complete challan and in that case accused would be entitled to default bail in terms of Section 167(2) Cr.P.C.

The said ratio has been considered in the light of the judgment of this Court rendered in State of Haryana vs. Dildar Ram @ Dari; CRMM-25600-2021, decided on 15th July, 2021.

Notice of motion for 20th January, 2022.

At the asking of Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of respondent-State of Haryana and seeks time to get instructions.

Meanwhile, the petitioner is granted interim bail subject to his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court.

4. Learned counsel for the appellant places reliance upon the decision of this Court in CRR-1135-2020 decided on 18.11.2020 and submits that the instant revision may kindly be disposed of in the same terms.
5. Learned State counsel on instructions opposes the prayer but is not in a position to dispute that issue involved is similar as to that in CRR-1135-2020.
6. The present petition is disposed of in the same terms as CRR-1135-2020.
7. Since the main case has been disposed of, pending application(s), if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

03.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No