

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-48950-2023 (O&M)

Date of Decision: 06.03.2024

JAGSIR SINGH @ JAGGU

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. read with Section 167(2) of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 306 dated 27.07.2023 registered under Sections 21(b), 27-A (Act No. 61) of NDPS Act, 1985 at Police Station Bhuna District Fatehabad.

2. On 03.10.2023, following order was passed:

“Learned counsel for the petitioner submitted that in the present petition the prayer is for grant of regular bail to the petitioner in case FIR No.306 dated 27.07.2023 under Sections 21(b) and 27-A (Act No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at P. S. Bhuna, District Fatehabad and in addition to it a prayer for default bail has also been made. He further submitted that the petitioner was arrested on 27.07.2023 and recovery of 13.50 grams of heroin was effected from the petitioner which does not fall in the category of commercial quantity. He submitted that the statutory period for presenting the challan is 60 days, though, the challan has been presented on 22.09.2023 i.e. within a period of 60 days but it was an incomplete challan without the FSL report. He

*has referred the law laid down by the Division Bench of this Court in **Ajit Singh @ Jeeta and Another vs. State of Punjab (CRR 4659 of 2015)**.*

Learned State counsel stated that some short accommodation be granted to verify the aforesaid position in this regard.

On his request, adjourned to 05.10.2023.”

3. The respondent-State of Haryana has filed reply by way of affidavit of Sanjay Kumar, HPS, Deputy Superintendent of Police, Bhuna District Fatehabad and as per para No. 7 of the preliminary submissions of the reply, FSL report has not been received till date. Further a perusal of the order dated 23.11.2023, passed by learned Special Judge, Fatehabad, would indicate that FSL report has not been received and the case was adjourned to 21.02.2024 for awaiting the FSL report.
4. In view of the above, the order dated 05.10.2023 passed by this Court, vide which the petitioner was ordered to be released on interim bail is hereby made absolute on the bail bonds/surety bonds already furnished.
5. The present petition is disposed of in aforesaid terms.

06.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No