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

CRR-2293-2024

Date of Decision: November 19, 2024

Pardeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Monty Goyal, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. Instant revision petition has been filed impugning the order dated 21.10.2024, vide which application filed under Section 187(2) of Bharatiya Nagrik Suraksha Sanhita, 2023 (for brevity, 'BNSS') earlier read as Section 167(2) Cr.P.C. for enlarging the petitioner on default bail on the ground of not filing complete report under Section 193 of BNSS, earlier read as 173 Cr.P.C. alongwith FSL report.

2. Learned counsel for the petitioner submits that petitioner is the accused in FIR No.143, dated 18.06.2023, under Sections 21(c), 22(c), 25 and 29 NDPS Act, registered at Police Station Munak, Karnal. It is submitted that FSL report was not received in the case and thus the challan filed within 180 days was an incomplete challan. He has relied upon judicial precedent of this Court passed in CRR-168-2019 on 26.03.2019 (**Tarlok and others vs State of Haryana**). It is submitted that the petitioner filed

the petition before learned Additional Sessions Judge, Karnal, under Section



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187(2) of BNSS praying for grant of default bail, however, the same was dismissed on merits without giving any finding on default bail and thus the same is unsustainable in the eyes of law and deserves to be set aside.

3. Notice of motion.
4. On asking of the Court, Mr.Sumit Jain, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State and has submitted that the learned Additional Sessions Judge has not addressed the case issue.
5. After hearing learned counsel for the parties and perusing the record, it is apparent that the main grievance raised by the petitioner before the Court below was to grant him default bail under Section 187(2) of BNSS however a perusal of the impugned order would show that the said issue was not dealt with and the petition has been dismissed by giving a finding that the alleged quantity recovered from the petitioner was the commercial quantity. This Court finds that as the order passed by learned Court below is without any reason and has not addressed the issue raised by the petitioner and as such the same is set aside and the case is remanded back for passing fresh order in accordance with law after dealing with the prayer made by petitioner.
6. Petition stands allowed.

November 19, 2024
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ? Yes/No
2. Whether reportable ? Yes/No