

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

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CRR-3119-2025

Date of Decision: 24.02.2026

RAJ @ RAJU

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Rakesh Kumar Jangra, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

This Revision Petition has been filed against the order dated 12.11.2025 passed by the learned Addl. Sessions Judge, Fatehabad, whereby the application filed by the petitioner seeking default bail under Section 187(3) of BNSS, 2023 in FIR No.261 dated 03.08.2025 under Sections 21(b) and 27A of the NDPS Act, 1985 has been dismissed.

2. The case of the prosecution is that the petitioner was apprehended in this case as he was found in conscious possession of 6.43 grams of heroin, which non-commercial but intermediate quantity.

3. Learned Counsel for the petitioner contends that the petitioner was arrested in this case on 03.08.2025 and challan was presented before the Court on 01.10.2025, however, the said challan was incomplete since the FSL report had not been filed alongwith the challan and in such an eventuality, it cannot be said that the challan has been filed within stipulated period. He further submits that the petitioner is in custody for the last 06 months and 20 days.

4. Learned State Counsel vehemently opposes the petition for grant of default bail on the ground that the Section with higher punishment in the present case is Section 27-A of the NDPS Act and as such, the period of filing the final report was 180 days and not 60 days. He further submits that the FSL report dated 29.10.2025 was received in the police station on 27.11.2025 and the same was filed before the concerned Court on 01.12.2025. Moreover, the petitioner is involved in

many other criminal cases including the NDPS Act. He thus submits that the petitioner is not entitled to default bail and prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner is in custody for the last 06 months and 20 days.

5. I have heard the learned counsel for the parties and perused the record.

6. From the above, it is evident that the FSL report was received in the police station on 27.11.2025, but the same was allegedly placed on the judicial file on 01.12.2025. Certainly, there is some lapse on the part of the investigating agency in filing the FSL report within time. Furthermore, it is also not disputed that the petitioner is involved many other cases, but in the case in hand, the quantity of contraband recovered from the petitioner is non-commercial and the allegations of Section 27-A of the NDPS Act are not against the petitioner. Furthermore, the petitioner is in custody for the last 06 months and 20 days, hence, this Court is of the opinion that the petitioner deserves the concession of default bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to bail during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant Revision Petition is allowed. The petitioner is ordered to be released on regular default bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

FEBRUARY 24, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No