

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

**CRR-353-2023
Reserved on: 01.09.2025
Pronounced on: 30.09.2025**

Harpreet Singh @ Happy and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
88	09.07.2022	Julkan, District Patiala	279, 427, 304 IPC and Sections 15 & 29 of NDPS Act

1. Aggrieved by the rejection of default bail filed under Section 167(2) on non-filing of FSL report along with the report under Section 173 CrPC in FIR captioned above vide order dated 21.01.2023, the petitioner had come up before this Court by filing the present Criminal Revision Petition under Section 397 read with 401/167(2) CrPC.

2. As per the investigation conducted so far, the drug involved in this case is poppy husk and the quantity is prima facie commercial; as such, the rigors of Section 37 of the NDPS Act come into place.

3. However, despite the quantity being *prima facie* commercial, the police did not obtain the FSL report or the FSL laboratory did not provide its report within the statutory period of 180 days, and consequently, the officer-in-charge of the police station filed a police report without annexing the FSL report.

4. Because of non-filing of the FSL report with the police report, the petitioner, along with co-accused Shamsher Singh, had filed a default bail application before the trial Court on 20.01.2023 i.e., before the presentation of the FSL report.

5. Vide order dated 21.01.2023, the said application was dismissed by the trial Court. The reason for dismissal was that the investigation was complete, and if the FSL report was not available, the police could not be blamed for that. Indeed, the same would have been filed straightaway in court, for which an investigation is not required. Feeling aggrieved,

the petitioner had come up before this court by filing the present Criminal Revision Petition.

6. Vide order dated 28.02.2023, the coordinate Bench of this Court had released the petitioner on interim default bail. The said order is continuing till date, and there is no allegation of any default in appearance before the trial Court, non-violation of any of the conditions by the petitioner.

7. Although various questions of law have been raised by the petitioner as well as by the State, the main issue before this Court is that once a co-ordinate Bench of this Court had granted default bail to a similarly placed co-accused, then there is no reason for this Court to take a different view. The reasoning given by the coordinate Bench was that, in case the law is settled, a police report in the absence of an FSL report would be a complete report which would not attract the provisions of 167(2) CrPC, now 187 BNSS. It shall be permissible for the State to file an application for cancellation of bail.

8. After that, even the Hon'ble Supreme Court has referred a similar matter to a Larger Bench in *Directorate of Enforcement v. Manpreet Singh Talwar*, SLP (Criminal) No.5724 of 2023.

9. It has been brought to the notice of this Court that the said matter is still pending.

10. After considering the above said discussions and also in the light of the fact that the co-ordinate Bench of this Court had granted default bail to one of the co-accused, whose bail was also rejected by the Sessions Court vide a common order, this Court proposes to dispose of the present petition by confirming the initial interim order granted by a co-ordinate Bench of this Court on 28.02.2023 by making it absolute on the same conditions.

11. It is clarified that if the reference pending before the Hon'ble Supreme Court comes to a conclusion or gives a finding that the FSL report is not required to be a part of the police report, then it shall be permissible for the State to file an application for cancellation of bail before the trial Court which shall be competent to cancel the bail granted by this Court. Counsel for the petitioner also has no objection to such a condition.

12. **The present petition is allowed to the extent mentioned above.** All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.09.2025

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>