

CNR No. DLWT01-001004-2022

SC No. 70/22

FIR No. 714/2021

PS: Rajouri Garden

U/s 20/29 NDPS Act

State Vs. Saddam Hussain Ansari @ Naved etc.

06.06.2022

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.

Accused Salman Khan is present on bail.

Accused Saddam Hussain and Aasif Raza are produce from JC.

Sh. Karan Verma, ld. counsel for applicant/accused Aasif Raza.

An application filed u/s 167(2) of Cr.P.C. for grant of default/mandatory bail on behalf of accused Aasif Raza, is stated to be pending. Reply has already been filed.

Argument is heard.

Record is perused.

In sum and substance, arguments advanced on behalf of accused is that without FSL result, chargesheet filed in the present case cannot be treated to be a complete chargesheet and therefore, it is stated that the accused is entitled for default/mandatory bail. In support of his contentions, reliance has been placed on the judgment of Hon'ble High Court of Punjab & Haryana in **CRM – M 25600/2021 and**

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Ajit Singh vs. State of Punjab, CRR No. 4659 of 2015 with the argument that without FSL result, the nature of the substance cannot be ascertained and therefore, the chargesheet is incomplete. Reliance is also placed upon the case titled as *Mohd. Arbaz vs. State of Delhi in SLP (CRL) No. 8164 – 8166/2021* and it was argued that in the absence of FSL result, interim bail was granted to the accused.

On the other hand, bail application is opposed on the ground that in the present case, chargesheet has already been filed within stipulated period of 180 days. Regarding the submission that in absence of FSL result, chargesheet cannot be treated as complete chargesheet, reliance has been placed upon judgment in case titled as *Krishan Lal vs. State, reported in 39 (1989) DLT 382 decided on 22.09.1989*.

With due respect, judgment relied upon by the applicant/accused of Hon'ble Supreme Court has no application to the facts of the present case as in the present case, admittedly chargesheet was filed within 180 days from the date of arrest of accused and in none of the judgment of the Hon'ble Supreme Court, the accused persons were released on default bail u/s 167(2) of Cr.P.C., but have been released on interim bail on account of delay in filing the FSL result. The judgment of our own Hon'ble High Court has clearly held that the chargesheet without FSL result cannot be treated to be incomplete. Hence, the bail application being without any merit, is hereby dismissed.

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Nothing discussed herein-above shall have any bearing upon the merits of the case.

The copy of this order be given dasti to the parties, including the IO.

A Copy of order be sent to the concerned Jail Superintendent for perusal and necessary action.

Main file be put up on **02.08.2022** for arguments on charge. Parties to file their written submission with supply of advance copy.

(Devendra Kumar Sharma)
ASJ/Special Judge (NDPS)(West)
THC/Delhi/06.06.2022