

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
Crl. Misc. No. M-16332 of 2015
Date of decision: 25.05.2015

Sakattar Singh alias Ladi

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vipul Jindal, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Navita Singh, J. (Oral)

It is submitted by counsel for the petitioner that request for bail under Section 167(2) Cr.P.C was declined because application for extension of time had been filed by the prosecution. However, the extension was sought only on the ground that the report of Chemical Examiner had not been received and, therefore, the charge-sheet could not be presented within the prescribed period. The Court below held that since the time was extended, the application was infructuous.

The proposition of law is not denied by the State Counsel that it has now been held in various judgments of the superior courts that challan/ charge-sheet is complete without the report of the Chemical Examiner which may be submitted later on. There was no bar for the prosecution to have filed the challan without the report of the Chemical Examiner and the report could have been filed at a later stage. In such event, bail to the petitioner under Section 167(2) Cr.P.C should not have been denied. Request is allowed. Bail to the satisfaction of the trial Court.

25.05.2015
renu

(NAVITA SINGH)
JUDGE