

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2736 of 2015 (O&M)
Date of Decision: 12.03.2015

Gurbaj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Vinay Kumar Gupta, Advocate
for the petitioner.

Mr. Gurvir Sidhu, DAG Punjab
for the State.

R.P. Nagrath, J. (Oral)

The prayer in the instant petition is made for grant of bail to the petitioner for mainly under Section 167(2) Cr.P.C. in default of filing complete challan by the prosecution despite the expiry of 180 days.

The petitioner was arrested on 30.05.2014 and before the expiry period of 180 days, the challan was presented on 18.11.2014 but that was without receiving report of the Chemical Examiner. The petitioner moved application for bail before the Special Judge on 27.11.2014 and by that time the Analyst report had not been received.

Learned State counsel on instructions from ASI Gulzar

Singh states that report of the Forensic Science Laboratory dated 27.12.2014 was later on received and the commodity recovered was found to contain codeine phosphate. That report was presented before the Special Judge and attached with the challan on 23.01.2015. Thereafter, the charge against the petitioner was also framed on 31.01.2015 and the case is pending for trial. The commodity recovered was 22 vials of Rexcoff, which is commercial quantity.

Learned counsel for the petitioner vehemently contended that incomplete challan having been presented the same cannot be considered to be the proper compliance and, therefore, petitioner is entitled to be released on bail in default of presenting the challan on time in terms of Section 167(2) Cr.P.C.

After having heard learned counsel for the petitioner and the State counsel at considerable length, I do not find merit in the instant petition. I say so for the reason that this Court held in ***Buta Singh @ Makhan Singh Vs. State of Punjab (CRM No.M-18261 of 2014, decided on 29.08.2014)***, based on similar facts that for non-filing of the report of Chemical Examiner, it cannot be said that challan was incomplete. Similar was the view of this Court in ***Jagdish Singh Vs. State of Punjab (CRM No.M-34489 of 2013, decided on 22.03.2014)***.

Dismissed.

(R.P. Nagrath)
Judge

12.03.2015
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