

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

**CRM-M No. 43293 of 2014
Date of decision: 11.03.2015.**

Kuldeep @ Pardeep

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Peeush Gagneja, Advocate, for the petitioner.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

NAVITA SINGH, J.

Counsel for the petitioner submits that the charge-sheet filed by the police without report of the CFSL was incomplete and, therefore, it could not be said that the charge-sheet was submitted within the stipulated period. He referred to an order passed by Single Bench of this Court on 26.09.2014 in **Crl. Misc. No. M-28367 of 2014**, in which it was so held and it was ordered to be circulated to all the Courts below.

However, State counsel relies on a Full Court judgment of this Court passed in case **State of Haryana vs. Mehal Singh and others, 1978 PLR 480**, in which it was held that if report of expert was not received, the police report could not be considered to be inconclusive and accused could not be released under Section 167(2) of the Code of Criminal Procedure, 1973.

The report has already been submitted and charges have been drawn up against the petitioner. Accordingly, since the charge-sheet filed

by the police cannot be treated as incomplete, the petitioner does not have any right to be released on bail under Section 167(2) of the Code of Criminal Procedure, 1973.

Dismissed.

(NAVITA SINGH)
JUDGE

11.03.2015
Ramesh