

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

CRM-M No. 43542 of 2014

Date of decision : 12.01.2015

* * * * *

Paramjet Singh @ Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. A.P.S Bhatti, Advocate for
Mr. A.S Barnala, Advocate for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

* * * * *

1. *Whether Reporters of Local Newspapers 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?*

RITU BAHRI, J

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 186 dated 29.6.2014 registered under Sections 15/25/61/85 of NDPS Act at Police Station Dharamkot, District Moga.

Earlier, CRM-M No. 34894 of 2014 filed by the petitioner for grant of regular bail was dismissed by this Court vide order dated 16.10.2014 (Annexure P-4). At that time, the investigation was in progress and statement of one Baltej Singh Ex-Sarpanch was recorded to the effect that in his presence the petitioner has given his scooter to Sukhwinder Singh along with the bags to be given in his

in-laws house. These two bags were containing 60 Kgs. of poppy husk.

Petitioner is now seeking grant of regular bail on the ground that an incomplete challan without FSL report has been presented.

Counsel for the State, on instructions from ASI, Surjit Singh has stated that the challan was presented on 24.12.2014 without FSL report.

At this stage, reference can be made to an order passed by a Co-ordinate Bench of this Court in CrI. Misc. No. M-28367 of 2014 (Ravinder @ Binder vs. State of Haryana), wherein after examining provisions of Section 173 Cr.P.C, it has been held that a challan can be filed on completion of investigation and not prior too that. Hence in the absence of the FSL report, narco-analysis or any other document, the Court cannot proceed further and the challan would be incomplete. The question of framing charge would only arise when the complete investigation report is with the trial Court. In the above said case, charges had been framed against the accused without obtaining the Chemical Examiner's report. It was held that the trial Court cannot take cognizance of the offence and in the absence of the Chemical analysis report, the charge sheet/challan cannot be said to be complete. The accused was granted interim bail.

In the present case, the challan has been presented on 24.12.2014 without FSL report and the recovery is 60 Kgs of poppy

husk from two bags. The petitioner is directed to be released on interim bail till the FSL report is presented in the trial Court on his furnishing bail/surety bonds to the satisfaction of the trial Court and thereafter, he shall surrender and move application for grant of regular bail.

Disposed of.

12.01.2015

ritu

**(RITU BAHRI)
JUDGE**