IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 3434 of 2015
Date of Decision:- 02.11.2015

Jasvir Singh @ Kaka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: **Mr. Ajay Pal Singh Rehan, Advocate,**
for the petitioner.

Mr. Navdeep Singh, A.A.G., Punjab
for the respondent.

****

SHEKHER DHAWAN, J.

Present revision petition against order dated 06.08.2015, passed by Special Judge/Additional Sessions Judge, Hoshiarpur whereby application under Section 167(2) Cr.P.C. filed by petitioner was dismissed.

2. Relevant facts of the case that petitioner was found in possession of 300 grams intoxicating powder. Petitioner was arrested on 05.02.2015. Police report under Section 173 Cr.P.C. was presented within the period of 180 days but the same was presented without the report of chemical examiner and as such police report was incomplete as per law.

3. Learned counsel for the petitioner submitted that application was filed before learned Special Judge for releasing the petitioner on bail in

NARESH KUMAR
2015.11.02 15:37
I attest to the accuracy and
integrity of this document
Chandigarh

compliance of provisions of under Section 167(2) Cr.P.C. but the said application was dismissed and the said order be set aside.

4. Learned State counsel submitted that final police report under Section 173 Cr.P.C. submitted and it was not a case of non-compliance and bail application of petitioner was rightly dismissed.

5. Identical matter was before Full Bench of this Court in case **State of Haryana Vs. Mehal Singh and another, 1978 Crl. L.J. 1810**, wherein Full Bench observed that merely because certain documents and statements of the witnesses recorded under Section 161 Cr.P.C. had not been appended with the challan would not make it incomplete and even without chemical examiner report does not entitle the petitioner to be released on bail. Identical view was taken by Co-ordinate Bench of this Court in case **CRM-M No.11432 of 2014** titled **Rakesh Singh Vs. State of Punjab, decided on 10.09.2014.** More so, in the present case the petitioner was found in possession of commercial quantity of Narcotic Psychotorpic Substances and as such he is not entitled to be released on bail.

6. In view of above, learned trial Special Judge has rightly dismissed the application of petitioner filed under Section 167(2) Cr.P.C. and the present revision petition without any merit and same stands dismissed.

November 02, 2015 (**SHEKHER DHAWAN**)
naresh.k JUDGE

NARESH KUMAR
2015.11.02 15:37
I attest to the accuracy and
integrity of this document
Chandigarh