

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

CRM No.M-26504 of 2016 (O&M)
Date of Decision: August 11, 2016

Harbhajan Singh alias Bittu alias Rana

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.O.P.Kamboj and Mr.B.S.Aliana, Advocates
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. read with Section 167(2) Cr.P.C. for grant of regular bail in case FIR No.325 dated 20.12.2015 under Sections 21, 25 and 29 of the NDPS Act, registered at Police Station Sadar, Ferozepur.

Notice of motion.

On asking of the Court, Ms.Shivali, Asstt. Advocate General, Punjab, who is present in the Court, accepted notice on behalf of the respondent-State and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Police record is also available.

From the record, I find that in the present case, the accused-petitioner is stated to have been arrested on 21.12.2015 and the challan was

prosecution version, the recovery from the petitioner falls under commercial quantity. Therefore, the prosecution can file the challan within 180 days and the challan has been filed within 180 days before the Court.

The only argument of learned counsel for the petitioner is that the challan was filed without FSL report and it was incomplete. It is admitted at the time of arguments that challan was filed before the Court and it was not returned by the Court by saying that it is an incomplete challan. The FSL report has been received afterwards and now, even the charges have been framed. The presentation of challan shows that investigation on the part of the Investigating Officer was complete and he filed the challan before the Court.

The matter has already been referred to the Larger Bench by the Coordinate Bench of this Court on the question of filing of incomplete challan.

Further, I find that the purpose of granting bail under Section 167(2) Cr.P.C. is only to compel the Investigating Officer to present the challan and complete the investigation within statutory period. The FSL report is to be sent by Forensic Science Laboratory and the Investigating Officer is not to do anything. The report is simply attached with the challan or it can be received by the Court after the presentation of the challan.

Therefore, finding no merit in the present petition, the same is dismissed.

August 11, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No