

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41949 of 2016

.....

Date of decision:13.12.2016

Kulwinder Singh

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Shranav Katyal, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The 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.33
dated 18.4.2016 registered for the offences under Sections 21 and 22-B of
the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter
referred to as 'the NDPS Act') at Police Station Rori, District Sirsa.

Notice of motion to Advocate General, Haryana.

Mr. Vikramjit Singh, learned Additional Advocate General,
Haryana has put in appearance on behalf of respondent-State and contested
this petition.

I have heard learned counsel for the petitioner and learned

Additional Advocate General, Haryana appearing for the respondent-State and have gone through the record.

As per the allegations, 25 vials of Corex 100 ML were found in plastic bag lying in between the front seat of the vehicle. The recovery falls in commercial quantity. Keeping in view bar of Section 37 of the NDPS Act, the petitioner is not entitled for the grant of bail in case of commercial quantity.

As regards the bail under Section 167(2) Cr.P.C., it is admitted fact that challan was already presented though the learned counsel for the petitioner argued that as FSL report was not there, therefore, the challan is incomplete.

The purpose of provisions of Section 167(2) Cr.P.C. is to complete the investigation at the earliest so that the accused may not suffer due to the negligence of the Investigating Officer and the investigation be completed by him expeditiously without any unnecessary delay. The investigation of this case has already been completed and challan was presented. If the report of FSL could not be received till then, it is due to the delay caused by the FSL. Therefore, in no way, the Investigating Officer was not supposed to do anything only if the report from the FSL had not been received. The report could have been produced in the Court even.

Therefore, in no way, it can be held as incomplete challan. Otherwise also, the learned Sessions Judge while passing the impugned order has discussed the law laid down by this Court as well as by the Supreme Court on the point.

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Therefore, from the above discussion, finding no merit in this petition, the same is dismissed.

December 13, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No