

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

**CRR No.229 of 2016 (O&M)
Date of Decision: August 11, 2016**

Harnek Singh @ Billa

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajiv Joshi, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Harnek Singh @ Billa under Section 401 Cr.P.C. against respondent State of Punjab, challenging the impugned order dated 21.10.2015 passed by learned Addl. Sessions Judge, Jalandhar, vide which the bail application filed by petitioner under Section 167(2) Cr.P.C. was dismissed.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

From the record, I find that in the present case, admittedly the petitioner was arrested on 19.04.2015 and the challan (report under Section

173 Cr.P.C.) was presented before the Court on 12.10.2015 i.e. within the period of six months. It is also admitted that as per 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.

In view of the above discussion, I find that the order dated 21.10.2015 passed by learned Addl. Sessions Judge, Jalandhar, is correct, as

per law and does not require any interference from this court.

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

August 11, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No