

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

**CRM No.M-13917 of 2016 (O&M)  
Date of Decision: January 10, 2017**

Dalbir Singh @ Deeri

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Ankur Bansal, Advocate  
for the petitioner.

Mr.K.S.Aulakh, Asstt. Advocate General, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the impugned orders dated 19.10.2015 and 30.03.2016 passed by learned Addl. Sessions Judge-cum-Judge, Special Court, Jalandhar in case FIR No.81 dated 19.04.2015 under Section 15 and 18 of the NDPS Act registered at Police Station Bhargo Camp, Jalandhar, whereby the request of the petitioner to released him on bail under Section 167(2) Cr.P.C. was declined.

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

The only argument of learned counsel for the petitioner is that the challan was presented by the police without the FSL report and therefore, challan was not complete and accused-petitioner is entitled to bail under Section 167(2) Cr.P.C.

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 learned trial Court has dismissed the application after discussing the law. I have gone through the order passed by learned trial Court, which is correct and as per law. Otherwise also, the purpose of granting bail under Section 167(2) Cr.P.C. is that Investigating Officer should not sleep over the matter and should not unnecessarily delay the completion of the investigation. Whatever, the Investigating Officer is to do on his part, he has done and completed the investigation and presented the challan. The chemical report is to come from the FSL or from the office of Chemical Examiner and the Investigating Officer is not to do anything now. Therefore, in no way, it can be held that challan is incomplete.

Learned State counsel relied upon the judgment passed by the Hon'ble Supreme Court in *Narendra Kumar Amin vs. CBI and others, 2015(1) RCR (Criminal) 566*, in which, police investigated into an offence and submitted report under Section 173(2) within 90 days, however, charge-sheet was incorporated with all the necessary details but report was not accompanied by full set of documents and it is held that this will not entitle the accused to bail under Section 167(2) Cr.P.C.

In view of the law laid down by the Hon'ble Supreme Court, I find that the petitioner is not entitled to benefit of bail under Section 167(2) Cr.P.C.

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

January 10, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No