

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

CRR No.55 of 2017 (O&M)

Date of decision: 1st November, 2017

Suman Bala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Atul Goyal, Advocate for the petitioner.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

This is a revision petition preferred by the accused Suman Bala against an order dated 14.12.2016 passed by the Court of learned Additional Sessions Judge, Ludhiana on an application under Section 167(2) Cr.P.C. whereby in case bearing FIR No.96 dated 15.06.2016 under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Division No.5, Ludhiana, bail application of the petitioner stood dismissed.

The brief facts that needs to be brought forth are that on 15.06.2016 police accosted a motorcycle make Hero Honda CT 100 SS bearing registration No.PB-10BB-7143 of black color being driven by one male and on which at the pillion a lady, subsequently identified as petitioner Suman Bala, was sitting and when on seeing the police the motorists tried to flee they were apprehended. From the personal search

of the petitioner in accordance with law from the purse being carried by her a black colour bag was taken out from which 280 grams of Smack was got recovered whereas from her co-accused different quantity of contraband was recovered.

Contentions of learned counsel for the petitioner Mr. Atul Goyal, Advocate are that FIR and arrest was made on 15.06.2016 and that incomplete challan without report of the Chemical Examiner has been produced on 06.12.2016 and thus being incomplete challan, the petitioner was entitled to concession of Section 167(2) Cr.P.C. and has placed reliance on Single Bench judgments of this Court in **‘Sukhchain Singh @ Chaina v. State of Punjab’ 2015(4) RCR (Criminal) 518**, and **‘Gurdev Singh v. State of Punjab’ (CRR No.110 of 2016 decided on 26.09.2016)**. The same is sought to be stoutly opposed on behalf of the State by Mr. Sandeep Kumar, Deputy Advocate General, Punjab on the grounds that mere presentation of incomplete challan does not bestow a right to the petitioner for bail under Section 167(2) Cr.P.C.

Appreciating the submissions of the two sides, it is by no means differed by any of the sides that power of the investigating agency to present supplementary challan in terms of Section 173(8) Cr.P.C. is unrestricted and at any stage when new evidence comes up, the investigating agency is within its rights to file supplementary challan with the evidence so collected. This Court in the case of **‘Devinder Singh @ Gopi v. State of Punjab’ (CRM-M No.22335 of 2016)** has already expressed its opinion to this effect. Therefore, merely because the

petitioner was arrested on 15.06.2016 and the so called incomplete challan was presented on 06.12.2016 does not mean that indefeasible right has accrued to the petitioner entitling him to bail. The cited ratios do not come to the aid of the petitioner in any manner. The cahllan has been presented within the prescribed period of less than 180 days and since no benefit can be derived out of such a process as the investigation can still continue, impels this Court to hold that the Court below has given a well reasoned finding by citing a ratio in the case of '**Kulwinder Singh v. State of Punjab**' (CRM-M No.23782 of 2015 decided on 27.08.2015) and has rightly concluded that without FSL report the challan cannot be said to be incomplete. Thus, nothing by way of illegality or perversity is made out and the revision petition being without any merit stands dismissed.

Records be sent back.

(FATEH DEEP SINGH)
JUDGE

November 1, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No