

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

CRM No.M-8180 of 2015 (O&M)

Date of Decision: August 13, 2018

Sukhwinder Khan

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.L.S.Sidhu, Advocate
for the petitioner.

Mr.Karanbir Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 167(2) Cr.P.C. read with Section 482 Cr.P.C. for grant of bail in case FIR No.63 dated 09.07.2014 under Section 22 of the NDPS Act, registered at Police Station Kot Dharmu, District Mansa.

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.

It is not disputed at the time of arguments that challan has been presented within statutory period. The only argument of learned counsel for the petitioner is that FSL report was not attached with the challan, therefore, challan was incomplete. This argument of learned counsel for the petitioner has no merit. 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.

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, 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.

As the petitioner is on interim bail, therefore, he is directed to

surrender himself before the trial Court within seven days from today,

otherwise, trial Court will procure his presence, as per law.

August 13, 2018
Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE
Yes
No