

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

CRR-1137-2020

Date of decision:-18.9.2020

Ajaypal Singh @ Ajay

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This revision petition is directed against order dated 10.8.2020 passed by learned Additional Sessions Judge, Jalandhar vide which application under Section 167(2) Cr.P.C. for grant of regular bail was dismissed.

Briefly stated, facts of the case are that petitioner/accused Ajaypal Singh @ Ajay was apprehended by police of Police Station Phillaur on 5.2.2020 and he was found in possession of 260 gms. of heroin, which amounts to commercial quantity. Formal FIR in that case was registered. Accused was formally arrested and recovered contraband was taken into police possession. The petitioner/accused had moved an

application under Section 167(2) Cr.P.C. for the reason that on expiry of 180 days from the date of his arrest, complete challan had not been filed because FSL report had not been attached. As a matter of fact, FSL report was filed after moving of bail application by the petitioner on 5.8.2020. That application was resisted by the State. After hearing arguments and going through the judgments referred to by both the sides, learned Additional Sessions Judge, Jalandhar had dismissed the application leaving the petitioner dissatisfied and he has approached this Court challenging the said order, praying that the order be set aside and he be granted regular bail on account of complete challan having not been filed by the prosecution within stipulated period of 180 days from the date of arrest of the petitioner/accused.

The revision petition is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The impugned order passed by the Court below is detailed and well reasoned. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the order passed by a Court below or the same is perverse and not otherwise. The impugned order does not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The order is certainly not perverse or passed in an arbitrary manner. Learned Additional Sessions Judge, Jalandhar properly appreciating the factual as well as legal position has rightly come to the conclusion that the petitioner is not entitled to grant of bail under

Section 167(2) Cr.P.C. There is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

Finding no merit in the revision petition, the same stands dismissed.

18.9.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No