

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

CRM-M-102-2015 (O&M)

Date of decision : 09.02.2015

Vanayak Bali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Bali, Sr. Advocate,
with Mr. Salil Bali, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Harmesh Lal.

JITENDRA CHAUHAN, J.

The petitioner seeks regular bail under Section 439 of the Indian Penal Code, in case FIR No.82 dated 23.05.2014, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, at P.S. Fatehgarh Sahib.

The petitioner, who was arrested on 23.05.2014, lays claim of regular bail on the ground that extension of time is not bona fide and does not meet the requirements as laid down by the Hon'ble Apex Court in **Sanjay Kumar Kedia @ Sanjay Kedia Vs. Intelligence Officer, Narcotic Control Bureau, 2010(1) R.C.R. (Criminal) 942.**

It is averred that neither the application for extension of time was accompanied by a report of the public prosecutor indicating the progress of the investigation, nor it specified the compelling reasons for detention of the accused beyond the period of 180 days. It is further submitted that as per the FIR, ASI Harwinder Singh apprehended the petitioner, whereas, in the application for extension of time, the name of ASI Malkiat Singh, Chowki Sirhind Mandi, is reflected.

On the other hand, the learned State counsel, on instructions, submits that the application under Section 36A of the NDPS Act contains the detailed reasons for seeking extension of time. At the time of filing the application which was filed much prior to the expiry of 180 days, the FSL report had not been received, affecting the progress of the investigation,. Now, the report of the FSL has been received. The challan stands filed and the trial is in progress. Even two out of eight prosecution witnesses have already been examined.

Heard.

No mala fide is raised against the State. The application, Annexure P-2, sufficiently indicates that there is no lapse on the part of the prosecution. Immediately after the seizure, the contraband was deposited for seeking FSL report. The sample was deposited without any delay and the reference of different police official who

apprehended the petitioner does not erase the factum that the petitioner was taken into custody on 23.05.2014. If name of a different police officer is indicated in the application, it could be due to typographical error, for which no benefit could be extended to the petitioner.

The fact that the application for extension of time beyond 180 days was moved by the prosecution well within the stipulated period indicating the reasons for the delay in investigation is sufficient to prove that the prosecution has done its duty vigilantly. In the circumstances, no case for grant of regular bail is made out, at this stage.

Dismissed.

09.02.2015

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(JITENDRA CHAUHAN)

JUDGE

Note : Whether to be referred to reporter ? Yes / No