

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

**CRM-M No.11355 of 2015**

Date of decision: 11<sup>th</sup> September, 2015

Ladhu Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. N.S. Dandiwal, Advocate for  
Mr. R.S. Sekhon, Advocate for the petitioners.  
Mr. C.S. Brar, Dy. Advocate General, Punjab.

**FATEH DEEP SINGH, J.**

Allegations against the petitioners Ladhu Singh and Rani Kaur in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.71 dated 29.06.2014 registered at Police Station Dialpura, District Bathinda under Sections 15/22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'the Act') are that on 29.06.2014 they were apprehended while in illegal and unauthorized possession of 5 kg of poppy husk, 26 vials of Rexcof and

250 tablets mark Carisoma, which falls under the commercial category.

The petitioners' counsel has sought to seek regular bail on the grounds that the application under Section 36-A of the Act for extension of time was moved on 24.12.2014 after expiry of the period of 180 days and which fact is controverted on behalf of the State by Mr. C.S. Brar, Deputy Advocate General, Punjab.

The records reflect that the period of 180 days was to expire on 29.12.2014 and thus, the application under Section 36-A of the Act was moved prior thereto i.e. on 24.12.2014 and thereafter, the accused moved application dated 26.12.2014 for bail which was disposed off on 06.01.2015 and though much reliance has been sought to be placed on '**Sahib Singh and others v. State of Punjab**' 2014(4) RCR (Criminal) 914 and '**Union of India through CBI v. Nirala Yadav @ Raja Ram Yadav @ Deepak Yadav**' 2014(9) SCC 457, however having regard to the fact that the prosecution cannot be penalized for the act of the Court which in spite of its obligation has failed to dispose off the application expeditiously when such application ought to be decided without any loss of time. Thus, having regard to the fact that commercial quantity of contraband has been recovered and the trial is already underway and rather delay as per the records has occasioned on account of the request of the defence in filing reply to the application for extension of time and therefore,

they cannot derive any benefit out of their own conduct. The petitioners cannot be given any benefit of such a default which is also attributable to them.

Thus, finding no merit, the present petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**September 11, 2015**  
*rps*