

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

Crl.Misc.No.M-12398 of 2015(O&M)

Date of Decision : 01.05.2015

Kamaljit Singh @ Kamal @ Soni

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.G.S.Chhina, Advocate for the petitioner

Mr.P.J.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C read with Section 167(2) Cr.P.C in case FIR no. 153 dated 12.9.2014 registered under Sections 15, 25, 61,85 of NDPS Act, Police Station, Fatehgarh Sahib, District Fatehgarh Sahib.

The allegations against the petitioner are that he was apprehended at secret information while coming in a car which was found to be loaded with 56.5 Kg poppy husk.

Learned counsel for the petitioner contends that his arrest is of 12.9.2014 and period of 180 days for filing the challan would have expired on 10.3.2015. On 9.3.2015 an application was moved by the respondents for extension of time for submission of challan but no order was passed and on 17.3.2015 the petitioner pressed for his right under Section 167(2) Cr.P.C which application was declined on 18.3.2015 by accepting the application of the respondents for extension of time.

Now it is contended by the learned counsel for the petitioner that once a valuable statutory right accrued to the petitioner on 10.3.2015 and there being no order extending the time, merely because an application was moved before the said date i.e 9.3.2014 would be of no consequence in the absence of any order passed by the Trial Court as concededly the order Annexure P-4 is of dated 18.3.2015 whereby while declining the prayer of petitioner for bail, time was extended for submission of challan by granting them 90 days more for submission of report.

On due consideration of the matter and noticing the fact that there is no other case of the like nature pending against the petitioner and of the period of custody of the petitioner and also noticing that the contraband recovered is of 56.5 kg of poppy husk where two other persons are also involved and without commenting on other aspects of the controversy, the instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

May 01, 2015
rekha

(Mahesh Grover)
Judge