

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-26246 of 2015 (O&M)
Date of Decision: August 17, 2015

Kashmir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Satnam Singh Gill, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 167(2) read with Section 439 Cr.P.C. for grant of regular bail in case FIR No.131 dated 14.12.2014 under Section 22 of the NDPS Act, registered at Police Station Banur, District Patiala (now District Ajitgarh).

Notice of motion.

Mr.B.S.Bhullar, Asstt. Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and contests the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Police record is also available.

From the record, I find that the FIR was registered on

14.12.2014 and the petitioner was taken into custody on 16.12.2014

and produced before the Court on 17.12.2014. As it is case of commercial quantity, 180 days for presentation of challan were to be lapsed on 15.06.2015. Learned Public Prosecutor filed an application on 13.06.2015 for extension of time for presentation of challan, which was allowed on 15.06.2015 after giving notice and 30 days' time was granted. As the Chemical Examiner's report was not received, therefore, application was again filed on 10.07.2015 for extension of time for presentation of challan, which was allowed on 13.07.2015 and 60 days' time has been extended. This order has been passed after giving notice to the petitioner. There is no dispute regarding these facts.

The only argument of learned counsel for the petitioner is that the application was given to learned JMJC firstly on 13.06.2015. On the other hand, learned State counsel argued that at that time, there were summer vacations and the application was given to Duty Magistrate.

On this ground that application for extension of time for presentation of challan was earlier presented before the Duty Magistrate, the order passed by the competent Court cannot be set aside. No ground is made out for grant of regular bail under Section 439 Cr.P.C. as the recovery from the petitioner is of commercial quantity and Section 37 of the NDPS Act bars the grant of bail in cases of commercial quantity.

As regarding bail under Section 167(2) Cr.P.C., I find that there is no merit in the present petition of the petitioner. At the time of

arguments, it is admitted by learned counsel for the petitioner that petitioner filed the application on 14.06.2015 after filing of the application by the Public Prosecutor for extension of time for presentation of challan. As 180 days were going to lapse on 15.06.2015, therefore, the application was also filed by the petitioner prematurely.

Therefore, finding no merit in the present petition, the same is dismissed.

August 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE