

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

CRM-M-29316 of 2015

Date of Decision: September 21, 2015

Tejpartap Singh @ Tabbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The petitioner-Tejpartap Singh @ Tabbu was involved in case FIR No.85 dated 23.5.2014 under Sections 21,22,61,85 of NDPS Act, 1985 pertaining to Police Station, Fatehgarh Sahib in which case he was arrested and produced before the concerned Magistrate on 15.8.2015. Before expiry of period of 180 days in submission of challan which was to happen on 14.8.2015 the prosecution moved application for extension of time on 4.8.2015 and the Court of learned Special Judge, Fatehgarh Sahib vide impugned order dated 19.8.2015 allowed the application and which is subject matter of challenge before this Court, whereby, a regular bail application has been sought in terms of Section 167(2) of the Cr.P.C.

Appreciating the arguments of the counsel for

the petitioner as well as learned State counsel, admittedly, when the application seeking extension of time was moved period of 180 days had not expired and though under the settled law this right is indefeasible and as is reflected from the impugned order the accused was given due notice of the application and which has been opposed. No doubt, the application has been disposed off on 19.8.2015 after the expiry of this period is certainly attributable to the Court and the prosecution cannot be put to disadvantage on that score. The learned Special Judge ought to have been sensitive to this requirement of law that such matter ought to be expeditiously disposed off but failed to act on the same. Thus, no fault can be found with the impugned order. Moreover, the petitioner has been found in conscious possession of non-commercial quantity of contrabands weighing 800 grams of intoxicating powder and, therefore, in the absence of any reasonable ground the petitioner is not entitled to concession of bail much less by such a default which is subverting the statutory provisions and duties.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

September 21, 2015

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