

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-30278 of 2015
Date of Decision: 11.9.2015.**

Labh Singh alias Lovely

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.S.Cheema, Advocate
for the petitioner.

Mr. R.P.S.Sidhu, AAG, Punjab

SABINA, J.

Petitioner has filed this petition under Section 439 read with Section 167(2) of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) seeking bail in FIR No. 68 dated 5.8.2013 under Section 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mansa City, District Mansa.

Prosecution story, in brief, is that the petitioner was found in possession of 2000 tablets of Lomotil and 10 grams of smack without any permit or licence.

Learned counsel for the petitioner has submitted that the petitioner was arrested on 5.8.2013. However, challan was not presented within 180 days of the arrest of the petitioner. The said period expired on 5.2.2014. Petitioner moved an application for bail on 5.2.2014 under Section 167(2) Cr.P.C. The Trial Court allowed the application moved by the prosecution for extension of

time for presentation of challan and dismissed the application moved by the petitioner for bail, although, an indefeasible right had accrued to the petitioner for bail as the challan had not been presented within the stipulated period.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the prosecution had moved the application for extension of investigation period on 30.1.2014 before the expiry of period of 180 days.

In the present case, petitioner was apprehended while he was in possession of 2000 Lomotil tablets and 10 grams of smack without any permit or licence on 5.8.2013. Before the expiry of period of 180 days, prosecution moved the application for extension of the period for presentation of challan on 30.1.2014. Petitioner moved the application for bail on 5.2.2014. Prosecution had already sought extension of period for presentation of challan before the bail application was filed by the petitioner. A perusal of Annexure P-2 application moved by the prosecution reveals that the learned Additional Public Prosecutor after going through the file, had opined that the investigation could not be completed in the case within the stipulated period and, therefore, sought extension of 90 days to complete the investigation. Vide order dated 11.2.2014 the application moved by the prosecution for extension of time for presentation of challan was allowed. Bail application filed by the petitioner was rejected on 11.2.2014. Challan was presented in the Court on 15.3.2014.

Learned State counsel, on instructions of Assistant Sub Inspector Karamjeet Singh, has submitted that except two prosecution witnesses, all the remaining witnesses have been

examined during trial.

Keeping in view the facts and circumstances of the present case, at this stage, no ground for grant of bail to the petitioner is made out.

Dismissed.

**(SABINA)
JUDGE**

September 11, 2015
Gurpreet