

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 30284 of 2015 (O&M)

Date of decision : September 24, 2015

Subhash Chander,

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. KS Dhaliwal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

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

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail under Section 167(2) of the Cr.P.C in case FIR No.9, dated 18.1.2015, registered under Sections 22/61/85 of the NDPS Act, at Police Station Sadar Fazilka.

Counsel for the petitioner has argued that the first application for extension was moved on 29.6.2015 which was allowed and period of 30 days was extended and that extended time admittedly came to an end on 16.8.2015. Thereafter, a fresh application for extension of time was filed on 17.8.2015 which was allowed on the same day without notice to the petitioner. He has relied upon Mohd. Dilshad vs State of Union Territory,

Chandigarh, CRM-M No.38823 of 2012, decided on 18.02.2013, wherein it

was held as follows :-

“ The argument raised by learned counsel for the petitioner is that the petitioner had undergone imprisonment for 180 days on 29.10.2012 and the fact that thereafter subsequent extension of time for investigation was granted on 02.11.2012 or the fact that challan was filed on 31.12.2012, would not defeat the right of the petitioner to bail. In this connection he has relied upon a decision of the Hon'ble Supreme Court in Union of India v. Thamisharasi and others, reported as 1995(4) SCC 190 as well as a Full Bench judgment of this Court in Janta Singh v. State of Punjab, reported as 1996(1) RCR (Criminal) 1 and a judgment of the Single Bench of this Court in Rakesh Kumar and another v. State of Punjab, reported as 2011(3) RCR (Criminal) 297.”

Learned Additional AG Punjab has not been able to deny the aforesaid factual assertions.

In these circumstances, I am of the considered opinion that the facts of this case are covered by the decision in Mohd. Dilshad's case (supra). Bail to the satisfaction of the trial Court.

However, the SSP Fazilka is directed to inquire into the reason why and in what circumstances the second application was moved beyond the date fixed, and fix the responsibility therefor under intimation to this Court.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

September 24, 2015
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