

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

**CRM-M No. 3427 of 2015 (O&M)  
Date of decision: 26.03.2015.**

Bhupinder Singh @ Jaily ..... Petitioner.

Versus

State of Punjab ..... Respondent.

**CORAM: HON'BLE MS. JUSTICE NAVITA SINGH**

Present:- Mr. S.K. Jain, Advocate, for the petitioner.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

**NAVITA SINGH, J.**

**CRM No. 7952 of 2015**

Heard. Copy of order dated 02.03.2015 passed by Judge,  
Special Court, Mansa, is taken on record, as prayed for.

**CRM-M No. 3427 of 2015**

The petitioner has sought relief under Section 167 (2) of the Code of Criminal Procedure stating that after grant of extension of time to the prosecution to file charge-sheet, vide order dated 23.01.2015, the challan was not presented within the extended time.

As per order granting extension, which was passed on 23.01.2015, extension for five weeks was granted. The initial period of 180 days expired on 21.01.2015, but the application for extension was moved before that. The extension granted would, therefore, be from 22.01.2015 for five weeks.

If the period of extension is taken as complete five weeks, the time expired on 26.02.2015 and if it is taken strictly to be thirty five days, then it expired on 25.02.2015.

Charge-sheet was admittedly presented on 27.02.2015 at 12:40 p.m. as recorded in the order dated 02.03.2015. It is not understandable as to how the Court below held that since the challan was presented before the application by the accused was made on 27.02.2015, it could be within time. Under no circumstance, as things stood, the charge-sheet could have been filed after 26.02.2015. Concession of bail under Section 167 (2) of the Code of Criminal Procedure could not be declined to the petitioner. The order passed by the Judge, Special Court, Mansa, is, therefore, not in accordance with law. The petitioner is, therefore, entitled to bail.

In view of the above, the petition is allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of Trial Court.

**(NAVITA SINGH)**  
**JUDGE**

26.03.2015  
Ramesh