

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7797 of 2015 (O&M)
Date of Decision: 06.04.2015

Gurpreet Singh @ Gopi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.54 dated 8.4.2014 under Sections 22/61/85 of N.D.P.S Act, registered at Police Station, Lohian, Jalandhar.

Learned counsel for the parties have been heard.

Facts that are not in dispute are that the petitioner was arrested on 8.4.2014 and the period of 180 days expired on 5.10.2014. However, no challan was presented within the stipulated period of 180 days. An application was moved by the petitioner on 13.10.2014 for grant of bail under Section 167(2) Cr.P.C. The prosecution moved an application seeking extension of time for completion of investigation and presentation of challan on 1.10.2014 but the same was decided only on 30.10.2014 i.e. after the stipulated and mandatory period of 180 days. Vide same order dated 30.10.2014 the bail application filed by the petitioner under Section 167(2) Cr.P.C had been dismissed on the ground that extension had been granted.

It has not been disputed that the application for grant of bail was moved by the petitioner after expiry of period of 180 days and the

application moved by the prosecution seeking extension of time on 1.10.2014 which was much prior to the date of expiry of 180 days and the same was allowed subsequently.

The challan in the present case was not presented before the court within the period of 180 days. As such, the indefeasible right had accrued to the petitioner under Section 167 (2) Cr.P.C. The application filed by the prosecution seeking extension had been allowed on 30.10.2014 from a retrospective date. Such issue already stands referred to a larger bench of this Court vide order dated 11.9.2014 in CRR No.2087 of 2014 (Ranjeet Singh @ Rana Vs. State of Punjab).

Under such circumstances, the present petition is allowed. Petitioner is directed to be released on interim bail subject to satisfaction of the Trial Court and till the decision in CRR No.2087 of 2014.

While passing such order, this Court has followed an order granting same relief and under identical circumstances to Karamjit Singh @ Pamma in CRM No. M-37534 of 2014 vide order dated 16.12.2014 at Annexure P-4.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 06, 2015
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