

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-8178 of 2015

Date of Decision: September 03, 2015

Manmohan Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashok Giri, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. read with Section 167(2) Cr.P.C. for grant of regular bail in case FIR No.137 dated 24.08.2014 under Section 22 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Kurali, District SAS Nagar.

Notice of motion.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and contests the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As argued by learned counsel for the petitioner, the petitioner was arrested on 25.08.2015 and 180 days were to be

expired on 19.02.2015. The application was filed with the report of learned Public Prosecutor, which is Annex.P1 on the record, for extension of time and after giving notice, the Court allowed this application on 18.02.2015 and the time for presentation of challan was extended for 90 days. The present petitioner filed application under Section 167(2) Cr.P.C. on 23.02.2015.

From above facts, it is clear that when the application under Section 167(2) Cr.P.C. was filed by the present petitioner, the Court has already allowed the extension of 90 days for presentation of challan on 18.02.2015. It is admitted fact that extension of time was allowed after giving notice to the accused. Further, I find that on Annex.P1, learned Public Prosecutor has given report that after perusing the record, till date the investigation has not been completed. To complete the investigation, it is necessary to enhance the period of 90 days and report has yet not been received and the recovery has also been mentioned in this report. In the application, it is also written that report of the chemical examiner is still awaited.

Keeping in view the facts and circumstances of the present case, I find that the order passed by the Court below regarding extension of time for presentation of challan, is correct and as per law and the petitioner is not entitled to benefit of bail under Section 167(2) Cr.P.C. in this case.

Secondly, on merits also, I find that as per prosecution version, 34 bottles of Rexcof (100ml each) and 585 strips of Proxyvon Plus (8 capsules each strip) have been recovered from the petitioner

which falls under commercial quantity. Section 37 of the NDPS Act bars the grant of bail in the case of commercial quantity.

Keeping in view the facts and circumstances of the present case, I do not find any merit in the present case and therefore, the same is dismissed.

September 03, 2015
Vgulati

(INDERJIT SINGH)
JUDGE