

CRR No.1240 of 2015
Date of Decision: 20.04.2015

BARU SINGH **Petitioner**
STATE OF PUNJAB **Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Sarwinder Goyal, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

1. *Whether Reporters of local papers 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?*

RAJ MOHAN SINGH J. (ORAL)

Learned counsel for the petitioner contends that the petitioner was arrested on 24.07.2014 and the requisite period of 180 days for filing challan stood expired on 20.01.2015.

The application for extension of time was moved on 19.01.2015 which was allowed on 12.02.2015, thereby granting two months time more for filing the challan. Despite the extension having been granted, no challan has been presented even after extension within the stipulated time.

Learned counsel further states that indefeasible rights in terms of Section 167(2) Cr.P.C. accrued to the petitioner on expiry of 180 days i.e. on 20.01.2015 and the extension with retrospective effect is not permissible, in view of “*Som Nath and another Vs. State of Punjab in CRM-M-10219 of 2011 decided on 28.04.2011*” and “*Sayed Mohd. Kazmi Vs. State GNCTD and others 2012(4) RCR (CrL) 857*”.

Learned State counsel refutes the submission of learned counsel for the petitioner. The facts remain that application for extension of time though moved on 19.01.2015 but it was allowed after expiry of 180 days period. Such

procrastination frustrates the legislative mandate, which cannot be made to extinguish if law so permits to the accused.

Looking to the facts, the prayer is allowed and the petitioner is ordered to be released on regular bail in terms of Section 167(2) subject to his furnishing bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate, Barnala.

Petition stands disposed of.

20.04.2015

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(RAJ MOHAN SINGH)
JUDGE