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

**AMRIK SINGH
Vs
STATE OF PUNJAB**

**CRR No.197 of 2015
Date of Decision: 07.04.2015
.....Petitioner
.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Varun Sharma, A.A.G., 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)

This Court on 03.03.2015 passed the following order:-

“Learned counsel for the petitioner, inter alia, submits that the application for extension of time is legally required to be decided within a period of 180 days. If it is not so decided then indefeasible right accrued in favour of the petitioner on expiry of period of 180 days and the same cannot be curtailed by allowing the application for extension of time at a subsequent stage. In support of his contention, learned counsel cites Jagsir Singh @ Jaggi vs. State of Punjab, 2014 (3) Law Herald 2685.

Notice of motion for 27.3.2015.”

Section 167(2) Cr.P.C. is being resorted for the grant of regular bail in case of commercial quantity.

Period of 180 days expired on 23.11.2014. An application for extension of time for filing challan was moved on 21.11.2014. the accused-petitioner filed application under Section 167(2) Cr.P.C. on 26.11.2014. The application for extension of time was allowed on 08.12.2014, thereby granting period of 30 days more for the purposes of completing investigation and filing challan.

Learned counsel for the petitioner states that the order granting extension cannot be allowed to operate with retrospective effect. Indefeasible right accrued to petitioner on expiry of 180 days period and at that time there was no such order in existence granting extension of time.

In view of the above, without commenting anything on merits of the case, petitioner is ordered to released on regular bail.

Accordingly, this petition is allowed.

Let the petitioner be enlarged on bail in terms of Section 167(2) Cr.P.C, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Hoshiarpur.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 07, 2015.
Atik

(RAJ MOHAN SINGH)
JUDGE