

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 249 of 2015 (O&M)

Date of decision : February 19, 2015

Rajwinder Singh @ Happy,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. DS Pheruman, Advocate
for the petitioner.

Mr. APS Gill, AAG Punjab

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This revision petition has been filed against the order of the trial Court dated 22.12.2014 granting extension of time for submitting final report under Section 173(2) of the Cr.P.C, as well as declining the prayer of the petitioner for bail in case FIR No.90, dated 23.06.2014, registered under Sections 21, 61, 95 of the NDPS Act and Section 25 of the Arms Act, at Police Station Goindwal, on the ground that time has already been extended.

Counsel for the petitioner has argued that on 181st day, an indefeasible right had accrued in favour of the petitioner and on that date, no order was passed by the trial Court extending the period of custody. He

has relied upon Mohd. Dilshad vs State of Union Territory, Chandigarh,

CRM-M No.38823 of 2012, decided on 18.02.2013, wherein it was held as follows :-

“ The argument raised by learned counsel for the petitioner is that the petitioner had undergone imprisonment for 180 days on 29.10.2012 and the fact that thereafter subsequent extension of time for investigation was granted on 02.11.2012 or the fact that challan was filed on 31.12.2012, would not defeat the right of the petitioner to bail. In this connection he has relied upon a decision of the Hon'ble Supreme Court in Union of India v. Thamisharasi and others, reported as 1995(4) SCC 190 as well as a Full Bench judgment of this Court in Janta Singh v. State of Punjab, reported as 1996(1) RCR (Criminal) 1 and a judgment of the Single Bench of this Court in Rakesh Kumar and another v. State of Punjab, reported as 2011(3) RCR (Criminal) 297.”

Counsel for the respondent has not been able to deny the aforesaid factual assertions.

In these circumstances, I am of the considered opinion that the facts of this case are covered by the decision in Mohd. Dilshad's case (supra). Consequently, this petition is allowed and the impugned orders are set aside. Let the petitioner be released on bail to the satisfaction of the trial Court.

February 19, 2015
`kk'

(AJAY TEWARI)
JUDGE