

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

CRM-M-4534 of 2016 (O&M)
Date of decision : 14.09.2016

Baljinder Singh @ Bawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kuldeep Singh, Advocate for
Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'Cr.P.C.') seeking regular bail in FIR No.95 dated 19.07.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), at Police Station Bhikhiwind, Distt. Tarn Taran as statutory bail in terms of Section 167(2) Cr.P.C. read with Section 36-A of the NDPS Act.

It is contended that the petitioner has been falsely implicated in the present case at the instance of ASI Satnam Singh. The investigating agency did not comply with the mandatory provisions of the NDPS Act. The

challan was not presented within the stipulated period and as such the petitioner has got indefeasible right to be released on bail. The learned trial Court vide order dated 14.01.2016 erroneously granted another three months for filing the final report under Section 173(2) Cr.P.C. The petitioner is in custody since 19.07.2015.

On the other hand, the learned State counsel has vehemently opposed the present bail application and states that the bail application of the petitioner was dismissed by learned trial Court as having been rendered infructuous as the same was filed on 15.01.2016 and vide order dated 14.01.2016, the learned trial Court had already extended the time for three months for filing the final report under Section 173(2) Cr.P.C.

Heard.

The learned trial Court vide order dated 14.01.2016 granted further three months' time to the prosecution to file the final report under Section 173(2) Cr.P.C. The bail petition filed by the petitioner on 15.01.2016 was dismissed by the learned trial Court having been rendered infructuous as the same was filed after the extension to file report under Section 173(2) Cr.P.C. had already been granted.

In the above circumstances, this Court feels that the learned trial Court has rightly declined the relief sought by the petitioner. Further, this Court is not inclined to go into the merits of the case at this stage, however, the learned trial Court shall consider the entire facts and circumstances of the case for bail at appropriate stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.09.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No