

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

**CRR No.1084 of 2016
Date of Decision :29.09.2016**

Gurwinder Singh @ Manga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Jyotiraditya Singh, Advocate for
Mr. D.S.Pheruman, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

JITENDRA CHAUHAN, J.

This revision is directed against the order dated 10.02.2016, passed by Additional Sessions Judge, Tarn Taran vide which the investigating agency was granted extension of two months' time for presentation of challan; and the order dated 19.02.2016 whereby the bail in default under Section 167(2) Cr.P.C. was declined to the petitioner.

It is contended by the learned counsel for the petitioner that both the impugned orders are illegal and have been passed in contravention of the law enunciated by Hon'ble the Supreme Court in *Sanjay Kumar Kedia vs. Narcotic Control Bureau 2010(1) RCR (Criminal) 942*. It is further contended that before extending the time, the trial was enjoined upon to consider whether there was sufficient

ground for grant of extension, whether the progress of the investigation

was shown to the trial Court and whether the reason for extension was cogent. In the impugned order the Court below has not discussed these aspects, therefore, the order dated 10.02.2016 extending the time is bad in law.

On the other hand, the learned State counsel submits that the Court below has passed the order while considering all the relevant factors, the order is in consonance with law.

I have heard the learned counsel for the parties and have gone through the case file.

The perusal of the order dated 10.02.2016 reveals that the extension of two months' time in presentation of challan was granted only on the ground that the report from the Chemical Examiner was not received despite repeated reminders sent by the investigating agency. The samples were sent to the Chemical Examiner on 26.08.2015 and thereafter eight reminders were sent by the SSP, Tarn Taran to the Director, Bureau of Investigation, Punjab Chandigarh, but the reports have not been received so far. It is appropriate to mention here that the present case has been registered under Section 21 of the NDPS Act on the allegation that 1 kg. heroin has been recovered from each of the accused. The recovery falls within the commercial quantity. It has been observed by the Court below that the prosecution has made sincere efforts by sending several reminders through SSP, Tarn Taran to the Director, Bureau of Investigation. There is heavy recovery of 1

kg. of heroin from each of the accused. This Court does not find any reason to interfere in the order passed by the Court below. Once the order dated 10.02.2016 is held to be justified, the order dated 19.02.2016 declining bail in default to the petitioner follows the suit. Consequently the present revision petition is dismissed.

29.09.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No