

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.2569 of 2017  
and  
Criminal Revision No.277 of 2017

.....

Date of decision:30.1.2017

Raj Kumar alias Raju

...Petitioner

v.

State of Punjab

Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Ms. Garima Sharma, Advocate for the petitioner.

.....

**Inderjit Singh, J.**

Cr. Misc. No.2569 of 2017:

For the reasons mentioned in the criminal miscellaneous application, the delay of 309 days in filing the revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev.277 of 2017:

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned order dated 22.12.2015 passed by learned Special Judge, Fazilka, vide which the application filed under 167(2) Cr.P.C. on behalf of the applicants/accused has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the Special Judge, Fazilka, in the impugned order dated 22.12.2015 held that the allegations against the

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applicants/accused are that 110 bottles of Rexcof and 250 Tablets of Carisoma were recovered from the possession of applicants/accused. As per the learned Special Judge, Fazilka, an application for extension on 11.12.2015 was filed and notice was served upon the accused and the accused requested for filing the reply and sought four dates upto 22.12.2015, but no reply has been filed. Thereafter, the accused cleverly moved the bail application under Section 167(2) Cr.P.C. on 21.12.2015 for seeking the benefit of bail. The learned Special Judge held that the extension has already been granted in this case. Therefore, no ground for entertaining the application under Section 167(2) Cr.P.C. was made out and it has been dismissed.

A perusal of the impugned order, nowhere shows that any illegality has been committed by the Court below. When the extension application was already filed by the prosecution before filing the application under Section 167(2) Cr.P.C. and a notice was given to the accused and the extension was allowed. Therefore, no indefeasible right has accrued to the accused when the application was filed under Section 167(2) Cr.P.C.

Therefore, finding no merit in the present criminal revision petition, the same is dismissed.

January 30, 2017.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |