

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2237 of 2018**

Abdul Jabbar @ Jabbari S/o Habbdul Habib Aged About 62 Years
R/o 3919 Near Jagat Cinema Urdu Bazar Delhi Police Station Jama
Masjid Delhi.

---- Petitioner**Versus**

The State Of Chhattisgarh Through The Police Station Civil Lines
District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner:

Shri Y.K. Gupta, Advocate.

For State/Respondent:

Shri Arvind Dubey, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****27.11.2018**

1. By way of this Petition, the Petitioner is praying for his enlargement on bail as per the provision prescribed under Section 167(2) of Cr.P.C.
2. According to Shri Y. K. Gupta, learned counsel for the Petitioner the complete charge sheet has not been supplied to him, therefore, the Petitioner may be enlarged on bail under the said provision. He submits further that the investigation is still going on and, therefore, the Petitioner is entitled to be released on bail under the said provision.
3. On the other hand, Shri Arvind Dubey, learned counsel for the State submits that the final report in connection with the Crime No.288/2017 has already been submitted within the prescribed period of ninety days on 10.07.2017 after completing the investigation against the present Petitioner and, therefore, the Petition as framed deserves to be rejected.
4. I have heard learned Counsel for the parties and perused the entire

papers annexed with the Petition carefully.

5. The Petitioner-Abdul Jabbar @ Jabbari has been arrested in connection with the Crime No.288/2017 on 09.05.2017 in relation to the offence punishable under Sections 121-A, 122, 123, 120-B and 201 read with Section 34 of IPC. After arresting the Petitioner as such, the Investigating Officer has completed his investigation against as many as seven accused persons including the present Petitioner and submitted its charge sheet on 10.07.2017. Perusal of the order sheets dated 10.07.2017 and 11.07.2017 would reveal that the complete charge sheet was directed to be supplied to the Petitioner. Pertinently to be noted here that the Petitioner has not stated anywhere in his application for grant of bail under Section 439 of Cr.P.C. that the copy of complete charge sheet was not supplied to him and for the first time he raised this ground i.e., after passing for more than one year and two months on 25.09.2018 by way of moving this application under Section 167(2) of Cr.P.C. It, therefore, appears that after submitting the charge sheet on 10.07.2017 within a period of 90 days, the complete charge sheet was also provided to the Petitioner-Abdul Jabbar@ Jabbari.

6. In such circumstances, the Petitioner is not entitled to be enlarged on bail under Section 167(2) of Cr.P.C. The Petition is accordingly dismissed.

Sd/-

(Sanjay Agrawal)
JUDGE