

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

**CRM-M-27112-2017
Date of decision:16.07.2018**

Gurjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S.Malwai, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab
assisted by ASI Tejinder Singh.

GURVINDER SINGH GILL, J. (ORAL)

Petitioner-Gurjit Singh seeks release of bail invoking provisions of Section 167(2) of the Criminal Procedure Code in respect of FIR No.23 dated 25.04.2016 under Sections 15/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Mehal Kalan, District Barnala.

The allegations in nut-shell are that on 25.04.2016 upon receipt of secret information, fifty bags containing 38 Kgs. of poppy husk each were recovered from the possession of the petitioner. While the

challan was presented in the Court on 15.10.2016, the copies of the documents were furnished to the accused on 24.10.2016 i.e. beyond the period of 180 days. The learned Trial Court dismissed the application on the ground that since the challan had been presented within stipulated period of 180 days, therefore there was no ground to grant concession of bail in terms of Section 167(2) of the Criminal Procedure Code.

I have heard learned counsel for the petitioner and also the learned State counsel.

This Court in case titled as Devaanand @ Deva Nand Vs. Narcotics Control Bureau, Chandigarh bearing CRR-956-2018 decided on 09.07.2018 has held that furnishing copies of the documents beyond the stipulated period of 180 days would not entitle the accused for grant of concession of bail. The relevant extract of the same reads as follows:-

“The words ‘the Magistrate shall without delay furnish to the accused’ occurring in Section 207 Cr.P.C. cannot be interpreted to mean immediately and forthwith as has been held in 1992(2) Crimes 1171 Dodha @ Chainsai Vs. State of M.P. and the Magistrate has just to ensure that copies of the documents are furnished to the accused within a reasonable time before he proceeds with trial or commits the case to Court of Sessions so as to enable accused to defend his case. In view of ratio of 1994 Cri LJ 651 State of Karanataka Versus Babu alias Venkatesh and 1994 Cri. L.R. 39 Harbhajan Singh Vs. State of Rajasthan failure on part of the prosecution to immediately furnish a copy of the chargesheet would not entitle the accused to bail. In any case, in the present case, copy of the chargesheet had been furnished just beyond two days of prescribed period of 180 days, which cannot be said to be gross delay and cannot be said to have prejudiced the accused

in his defence. The challan, in any case, had been filed within the prescribed period of 180 days.”

In view of the aforestated legal position, I do not find any merit in the present petition and same is hereby dismissed.

During the course of arguments, learned State counsel has submitted that as of date only three witnesses out of twenty one prosecution witnesses have been examined so far while the charges were framed in the present case on 07.12.2016. As such, a direction is issued to the learned Trial Court to expedite the matter by fixing short dates. The Senior Superintendent of Police, Barnala is directed to ensure presence of the prosecution witnesses in time so that the conclusion of the trial is not further delayed.

The petition is dismissed with the aforesaid direction.

Intimation be sent to the quarters concerned.

**(GURVINDER SINGH GILL)
JUDGE**

16.07.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**