

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

**CRR-325 of 2022
DECIDED ON: 2nd March, 2022**

Deepak Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Prateek Pandit, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This petition is filed being aggrieved of rejection of prayer for grant of default bail.

As per the case set up by the prosecution, on 2.8.2021 the petitioner alongwith other co-accused were apprehended while travelling in a car. There was recovery of fourteen injections, 2 ml each of Buprenorphine, fourteen injections containing pheniramine Maleate 10 ml each. Recovery of Nuprenorphine fell in commercial quantity. Petitioner and co-accused were produced before the Magistrate on 3.8.2021 and challan was presented on 1.2.2022.

Learned counsel for the petitioner submits that even making the calculation excluding the date of producing the accused before the Magistrate, 180 days statutory period expired on 30.1.2022, a right accrued to the petitioner for grant of default bail. An application for grant of default bail was filed on 31.1.2022.

Learned counsel for the State on instructions from ASI Paramjit Singh submits that the challan was presented on 1.2.2022. Learned State counsel is not in a position to dispute that 180 days expired on 30.1.2022.

The Supreme Court in **M. Ravindran V. Intelligence Officer,**
2021(2)SCC 485, has held as under.

“.....if the accused applies for bail under Section 167(2), Cr.P.C. 1973, read with section 36A(4) NDPS Act upon expiry of 180 days or the extended period, as the case may be, the Court must release him on bail forthwith without any unnecessary delay after getting necessary information from the public prosecutor, as mentioned supra. Such prompt action will restrict the prosecution from frustrating the legislative mandate to release the accused on bail in case of default by the investigative agency.”

In view of the admitted factual position, the petitioner is released on default bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

(AVNEESH JHINGAN)
JUDGE

2nd March, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>