

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

Criminal Revision No.10 of 2022(O&M)

Date of Decision: March 28, 2022

Karandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sylvestert Stephen, Advocate for the petitioner.

Mr.B.S.Sewak, Additional AG, Punjab.

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HARINDER SINGH SIDHU, J.

By filing the present revision, the petitioner has challenged the order dated 28.10.2021 passed by Ld. Additional Sessions Judge, Pathankot, whereby, the application of the petitioner for grant of default bail under Section 167(2) CRPC read with Section 36 of Narcotic Drugs and Psychotropic Substances Act, 1985, was dismissed.

Brief facts of the case are that FIR No.42 dated 24.04.2021 under Sections 307, 186, 353, 34 IPC and Section 25 of the Arms Act and Sections 21 and 29 of the NDPS Act, was registered against the petitioner and two others. The petitioner has been in custody since the day of registration of the FIR i.e. 24.04.2021.

Pleading that the challan was not filed within stipulated period of 180 days as provided under Section 36-A(4) of the NDPS Act, the petitioner filed application for default bail on 28.10.2021, which was dismissed on the same day vide the impugned order, concluding part of

which reads:

“6. From the submission of the learned counsel for the parties and from the perusal of the file, it is admitted fact that challan was presented before the Court of Shri Gurdev Singh, JMIC, Pathankot on 20.10.2021 and it is also admitted fact that applicant- accused is in custody since 24.04.2021 and 180 days has been elapsed. Moreover, 180 days has been elapsed on 28.10.2021 but challan was presented before 180 days on 20.10.2021 before the Court of learned JMIC, Pathankot as 20.10.2021 was holiday due to Maharishi Balmiki Jyanti. Challan was presented on 20.10.2021 being holiday due to Balmiki Jyanti. No AD & SJ Pathankot was working as Duty Judge on that day. The challan has been presented before the JMIC, Pathankot before elapse of 180 days.”

The petitioner was arrested on 24.04.2021. The challan was filed on 20.10.2021. The application for default bail was filed on 28.10.2021, on which date the period of 180 days was also to expire. Hence, the challan was filed prior to the filing of the application for default bail.

In view thereof, there is no ground to interfere in the impugned order.

Petition dismissed.

March 28, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No