

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-12823-2023 in/and
CRA-D-363-2023 (O&M)
Date of Decision: 01.06.2023

MANJEET SINGH
Versus

..... Appellant(s)

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Mitul Singh Rana, Advocate
for the applicant-appellant.

LISA GILL, J.

1. The appellant has impugned order dated 01.02.2023, passed by learned Additional Sessions Judge-I/Judge Special Court, Faridkot, whereby his petition seeking bail under Section 167(2) Cr.P.C. has been rejected.

2. Argument raised by learned counsel for the appellant is that on account of charge-sheet/challan having been presented without necessary sanction, it cannot be said to be a complete challan, therefore, appellant is entitled to bail under Section 167(2) Cr.P.C. However, learned counsel for the appellant is unable to deny that the matter is squarely covered against the appellant in view of the judgment of Hon'ble Supreme Court in ***Judgebir Singh @ Jasbir Singh Samra @ Jasbir and others Vs. National Investigation Agency***, in Crl. Appeal No.1011 of 2023, decided on 01.05.2023, wherein it has been categorically held by the Hon'ble Supreme Court that "*once a final report has been filed with all the documents on which the prosecution proposes to rely, the investigation shall be deemed to have been completed. After completing investigation and submitting a final report to the Court, the investigating officer*

can send a copy of the final report along with the evidence collected and other materials to the sanctioning authority to enable the sanctioning authority to apply his mind to accord sanction. According sanction is the duty of the sanctioning authority who is not connected with the investigation at all. In case the sanctioning authority takes some time to accord sanction, that does not vitiate the final report filed by the investigating agency before the Court section 173 of the Cr.P.C., 1973 does not speak about the sanction order at all. Section 167 of the Cr.P.C., 1973 also speaks only about investigation and not about cognizance by the Magistrate. Therefore, once a final report has been filed, that is the proof of completion of investigation and if final report is filed within the period of 180 days or 90 days or 60 days from the initial date of remand of accused concerned, he cannot claim that a right has accrued to him to be released on bail for want of filing of sanction order.”

3. It is thus clear that appellant is not entitled to bail under Section 167(2) Cr.P.C. on the ground as raised in view of the judgment of Hon’ble Supreme Court in Judgebir Singh’s case (supra).

There is a delay of 10 days in filing of this appeal. As the matter has been considered on merits, adjudication of this application is rendered academic.

4. Appeal is accordingly dismissed.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

01.06.2023

Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No